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**Human rights questions: human rights situations and reports
of special rapporteurs and representatives**

Situation of human rights in the Democratic Republic of the Congo

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Roberto Garretón (Chile), pursuant to General Assembly resolution 55/117 and Commission on Human Rights resolution 2001/19, endorsed by the Economic and Social Council at its substantive session for 2001.

* A/56/150.

** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report was submitted on 31 August 2001 so as to include as much updated information as possible.



Report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo

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I. Introduction

A. Mandate

1. The Commission on Human Rights has been examining the situation of human rights in the Democratic Republic of the Congo (formerly Zaire) since 1994 (see annex I). The Special Rapporteur on the subject has been submitting preliminary reports to the General Assembly since 1997. This is the fifth preliminary report, submitted pursuant to General Assembly resolution 55/117 and Commission on Human Rights resolution 2001/19, which extended his mandate for a year.

2. Furthermore, in the report on its mission to the Great Lakes region (S/2001/521), the Security Council stated that it "should look forward to further reports from the Special Rapporteur, Roberto Garretón" on human rights in the Democratic Republic of the Congo.

3. The Special Rapporteur, in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances, also has the mandate to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo between 1996 and 1997, "a joint mission" to investigate the massacres in the province of South Kivu and other atrocities referred to in his latest and previous reports, with a view to bringing to justice those responsible, and to report thereon to the General Assembly and the Commission on Human Rights. At the annual meeting of special rapporteurs held in Geneva, the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo agreed with the Special Rapporteur on extrajudicial, summary or arbitrary executions to propose both to the Congolese authorities and to the leaders of the two main rebel movements (*Rassemblement congolais pour la démocratie* (RCD)/Goma and *Front de libération du Congo* (FLC)) that a first mission be carried out in January 2002, in conjunction with the representative of the Working Group on Enforced or Involuntary Disappearances, to plan with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) the essential security conditions for the investigation, the

selection of the places to be investigated and the determination of essential logistical needs. On his July mission, the Special Rapporteur informed President Kabila and the rebel leaders of this intention, which they all welcomed. The Special Rapporteur is thus in a position to inform the General Assembly that the joint mission will begin its work in the coming months.

B. Activities

4. The Special Rapporteur transmitted to the Government of President Kabila 20 urgent action bulletins and communications containing information on cases of human rights violations involving 87 victims. He received a reply from the Chargé d'affaires of the Democratic Republic of the Congo to the international organizations in Geneva which gave, not so much information, as that official's personal views on one of the reported cases. He also received two detailed communications from the Minister for Press and Communications on matters within his purview. RCD/Goma submitted to him a written memorandum on the human rights situation in the country.

5. In the course of the year, the Special Rapporteur undertook two missions to the Democratic Republic of the Congo (11 to 21 March and 20 July to 1 August). Based on the first of these missions, he submitted an additional report to the Commission on Human Rights (E/CN.4/2001/40/Add.1), which remains fully valid and should therefore be considered an integral part of the present report. He undertook only one mission to Geneva (2 to 8 August). In the course of his missions, he met with the officials, institutions and organizations listed in annex II, in particular: the new President of the Democratic Republic of the Congo, Major General Joseph Kabila; the President and Executive Committee of RCD/Goma, which with Rwandan support is occupying the eastern part of the country; and on two occasions the Chairman or Executive Secretary of FLC, which with Ugandan support is occupying the north of the country.

6. The Special Rapporteur was able to transmit to the Security Council information and opinions that might be useful for its decisions with regard to the maintenance of peace and security in the region, the basic element of which is respect for human rights (27 October 2000, 23 February and 8 May 2001).

C. International obligations of the Democratic Republic of the Congo

7. The Democratic Republic of the Congo has not, as announced, ratified the Additional Protocol to the United Nations Convention on the Rights of the Child on involvement of children in armed conflict; it has only signed it (see annex IV).

8. The Special Rapporteur regrets that successive Congolese Governments have not replied to any of the special mechanisms of the Commission on Human Rights concerning the allegations of human rights violations, and that it has a backlog of 12 reports to human rights treaty bodies.

9. The Special Rapporteur denounces the fact that on 3 April, in reprisal for their having met with him only a few days previously, FLC ordered the detention of three judges, in flagrant violation of Commission on Human Rights resolution 2001/11 on the protection of individuals who cooperate with the United Nations.

II. Armed conflicts taking place in the Democratic Republic of the Congo

10. Nine major armed conflicts are taking place in the Democratic Republic of the Congo (see annex III). The main ones are:

A. Conflict between the Democratic Republic of the Congo and RCD and Rwanda

11. This is the most serious conflict, involving, on the Government side, the Congolese Armed Forces (FAC) and the armies of Angola, Namibia and Zimbabwe, with formal and informal support from the irregular group known as the Mai-Mai (see A/55/403) and, on the Rwanda and RCD side, the Rwandan Patriotic Army (APR), the RCD/Goma army, the Local Defence Unit (a paramilitary guerrilla group), former Interahamwe and former Hutu prisoners in the service of APR and troops of the Burundian army, especially in the Uvira area.

12. Other groups opposed to the Governments of neighbouring countries involved in the Congolese war are active in this conflict and commit crimes against Congolese civilians in the Democratic Republic of the

Congo. They are responsible for considerable violence and, on the pretext of fighting the armies of Rwanda and Burundi, massacre innocent Congolese citizens. These groups are the Interahamwe, the former Rwandan Armed Forces (ex-FAR) and the Burundian *Forces pour la défense de la démocratie* (FDD), all of which have committed violations of international humanitarian law.

13. For the Congolese population, the term "rebels" does not exist: all Congolese in all three parts into which the country is divided speak only of "aggressors". The discourteous reception given by former President Laurent Kabila to MONUC was explained by the Security Council's references to Rwanda, Burundi and Uganda as "uninvited" countries, while the new relationship with MONUC since late 2000 is explained by the Security Council's reference to countries "which have violated the sovereignty and territorial integrity of the Democratic Republic of the Congo" (see Security Council resolution 1304 (2000)).

14. Terror reigns in the area occupied by RCD and Rwanda. As in previous years, violence by members of the Mai-Mai, Interahamwe, ex-FAR and FDD, who attack RCD, APR and Burundian soldiers, triggers acts of revenge and massacres. Although on his visits to Goma in 2001 the Special Rapporteur found that there was less tension than in 2000 (see E/CN.4/2001/40/Add.1, paras. 27 and 28), the same is not true of other cities such as Kisangani. The Special Rapporteur has not received any information on massacres of the Banyamulenge population referred to in paragraph 59 of the Secretary-General's sixth report on MONUC activities (S/2001/128).

B. Conflict between the Democratic Republic of the Congo and FLC and Uganda

15. In the north-east of the Democratic Republic of the Congo, Government forces, along with the country's Angolan and Zimbabwean allies and the Mai-Mai militias, are fighting the Uganda People's Defence Forces (UPDF) and FLC. Ugandan troops act with complete contempt for the Congolese population and their presence is devastating.

16. The violence of the Ugandan rebels of the National Army for the Liberation of Uganda (NALU) and the Allied Democratic Forces (ADF) is creating

considerable insecurity because of bloody attacks on the civilian population; in pursuing these guerrilla fighters, UPDF simply attacks the defenceless population all over again.

17. The inability of the Ugandans and FLC to put a stop to the violence was reflected in the mass murder in late June at Aru, Ituri, of between 250 and 843 people accused of witchcraft. This case is unconnected to the Bahemu-Balendu conflict. Various sources blame the Ugandans, not just for their inability to control the region but for directly carrying out the murders.

C. Internal armed conflict between the Bahema and the Balendu in Ituri

18. It was the seriousness of this conflict unfolding in territory controlled by Uganda and FLC, especially the 19 January massacres, that led to the Special Rapporteur's mission in March, undertaken at the request of members of the Security Council (see E/CN.4/2001/40/Add.1, paras. 39 to 54). Tensions eased after the Protocol of Agreement skillfully secured by the FLC Chairman, Jean-Pierre Bemba, on 17 February (para. 53), but the success of the Protocol depended both on the willingness of the parties and on Mr. Bemba's skill and interest in imposing his authority on the Ugandans, which did not happen. Although initially the violence abated, the Ugandans continued to favour the Bahema and there has been a resumption of terrible incidents, such as the cold-blooded, premeditated murder of six International Committee of the Red Cross (ICRC) humanitarian workers on 26 April. Only days before the murder, the Bahema had launched a smear campaign against humanitarian and human rights personnel: the MONUC human rights officer, the Special Rapporteur and ICRC, whose personnel had been threatened for the past year. The crime occurred in an area where there are large numbers of Ugandan soldiers who, together with the Bahema, constitute the real "State" in the region. The Secretary-General drew attention to this situation in June, in his eighth report on MONUC, when, referring to the incident, he noted that "during past months, many international workers in Bunia have received threatening letters from one of the ethnic groups in the area" (S/2001/572, para. 54). Clashes in Picho, Kalo, Drodro, Nizi and elsewhere have also resulted in some 100 deaths since March. The FLC Chairman's pledge

to the Special Rapporteur that there would be an end to impunity has not been fulfilled.

D. The Lusaka peace process

19. The most successful part of the difficult Lusaka Ceasefire Agreement (see E/CN.4/2000/42, para. 18 and annex X, and E/CN.4/2001/40, paras. 32 to 39) has, in fact, been the ceasefire. Of course, there have been countless violations, but borders have generally been respected. Other provisions, especially those on the withdrawal of foreign troops from the Democratic Republic of the Congo and the disarmament of the militias that are undermining Rwanda's security, have not been fulfilled. There have been numerous agreements and meetings on the timetables, goals and conditions of the Lusaka Agreement in the three years since its adoption (Harare, December 2000; Lusaka, February and May 2001; bilateral meetings between the Presidents of Rwanda, Uganda and the Democratic Republic of the Congo; important Security Council resolutions such as 1304 (2000), 1341 (2001) and 1355 (2001)).

20. Rwanda's pretext for not withdrawing from the Democratic Republic of the Congo before the "invited" countries continues to be, officially, the need to disarm the armed groups fighting against it, whose members include participants in the 1994 genocide. The underlying reasons, however, seem to be territorial conquest and exploitation of the country's wealth. In any event, the withdrawal of troops to 15 kilometres (Rwanda offered to do it to 200 kilometres) from the borders, agreed to in Harare, began on schedule but is not complete.

21. Up until August 2000, President Laurent Kabila, who had agreed in Lusaka to the deployment of MONUC, did everything possible to prevent the Mission from doing its work. By contrast, his son, who succeeded him as President, has helped to ensure that MONUC operates effectively. In 2001, Rwanda and RCD have been the Mission's main obstacles: among other things, they opposed the deployment of Blue Helmets in Kisangani; they expelled an Uruguayan soldier upon his arrival (April); and they organized marches against MONUC and the demilitarization of Kisangani (July) and against Security Council resolutions 1304 (2000) and 1355 (2001).

22. Uganda and FLC also put all kinds of obstacles in the way of implementation of the Lusaka and Harare Agreements and Security Council resolutions and agreed to abide by them only if the population's safety is guaranteed, overlooking the fact that the population believes that its safety can be guaranteed only if the Ugandans withdraw. Uganda even threatened to withdraw from the Lusaka Agreement because of the report on the illegal exploitation of Congolese wealth. In its resolution 1355 (2001), the Security Council had to demand that Uganda fulfil the commitments made in Lusaka and Harare.

23. With regard to the location and armaments of the irregular groups operating in the country, the Security Council requested the parties to provide information to MONUC in order to facilitate planning to assist the signatories to the Lusaka Agreement in the disarmament, demobilization, repatriation and reintegration of those groups, but the Special Rapporteur does not know whether the parties have done so.

E. Impact of the war

24. Paragraphs 40 to 45 of the report in document E/CN.4/2001/40 describe some of the catastrophic consequences for the Congolese population of the various internal and international wars. One year later, the situation is even worse: the number of internally displaced persons has doubled from 2 million to 4 million. Other statistics indicate that 5 per cent of the population (1.1 million people) are infected with HIV and only 37 per cent of Congolese have access to essential medical services; this percentage is even lower in territories controlled by the occupying forces. According to the reports of a non-governmental organization, the International Rescue Committee, as many as 2 million people have died as a result of the war, of whom 200,000 were killed in acts of violence.

25. But beyond these figures, the population is enduring tremendous hardships that affect the daily lives of all inhabitants. There is absolutely no communication among the three parts into which the country has been divided. For example, members of the Masasu family (see paras. 32 and 67 below) living in occupied territory in the eastern part of the country have no contact at all with members living in Kinshasa and have not even been able to mourn together the tragic events that they have experienced.

III. The Inter-Congolese Dialogue

26. The most significant difference between assassinated President Laurent Kabila and his son and successor Joseph is the latter's commitment to the Inter-Congolese Dialogue, which should, according to the Lusaka Agreement, lead to democracy and the rule of law. Laurent Kabila always opposed on the flimsiest of pretexts, the dialogue to which he had committed himself.¹

27. Since taking office, the current President has adopted a constructive policy of support for the Facilitator. The former President of Botswana, Sir Ketumile Masire, has already visited the country several times and his offices in Kinshasa operate in complete freedom and independence. The dialogue process was finally accepted by all the Congolese parties to the Lusaka Agreement, following high-level consultations in which the Government, RCD and FLC adopted a set of 14 points which was greeted with great satisfaction by the international community.

28. With the framework of an intelligent process of encouraging the participation of key sectors of Congolese civil society (churches, trade unions, organizations, cultural and professional associations and others), those sectors have already completed the election of their representatives to the Dialogue. As usual, not everyone is satisfied, and indeed in some places authorities in all three parts of the country were clever enough to ensure that they were over-represented. However, in general, the process was legitimate.

29. Opposition organizations and groups have not yet elected their representatives.

30. The preparatory dialogue or "pre-dialogue" was to have begun in Gaborone on 16 July, but not all representatives of the opposition and of civil society had been elected; the process will therefore begin on 20 August.

IV. Political development and democratization in Government-controlled territory

A. The assassination of President Laurent Kabila and appointment of his successor

31. On 16 January 2001, President Kabila was assassinated. He had come to power on 17 May 1997 at the head of an alliance of members of the Rwandan and Congolese armed forces opposed to dictator Mobutu Sese Seko. His assassination was the most dramatic and significant event of the year.

32. It is not easy to determine who was responsible. The truth is that Kabila had made many enemies because of his authoritarianism, the routine arrests of his own colleagues (see E/CN.4/2001/40, para. 80), his disregard for the Lusaka Agreement, the creation of useless institutions (People's Power Committees, National Debate, Legislative and Constituent Commissions, etc.). Already in October 2000, many soldiers from Kivu had been detained on suspicion of conspiracy, including their leader, Anselme Masasu, a former colleague of Kabila who had already been in prison. Masasu and eight fellow soldiers were summarily executed on 24 November (see E/CN.4/2001/40, annex VII, sect. A, forced disappearances; and E/CN.4/2001/40/Add.1, paras. 21 and 22). The alleged perpetrator was apparently from the same group.

33. On 18 January, when Kabila's assassination was finally announced, the armed forces and the Council of Ministers decided to appoint his son Joseph as temporary Head of State; this decision was confirmed by the Constituent and Legislative Assembly, whose members had all been appointed by Laurent Kabila. Joseph Kabila took office on 26 January.

34. There is no legal basis for the appointment of Joseph Kabila: Decree Law No. 3, a constitutional text with which Laurent Kabila confirmed himself as President in 1997, obviously did not provide for his succession.

B. The Government of Joseph Kabila

35. Although Joseph Kabila took office with the same autocratic powers (executive, legislative and judicial) as his father,² his pronouncements aroused hopes of

greater political liberalization. Some of these hopes have been fulfilled: cooperation with MONUC and with the Facilitator of the Inter-Congolese Dialogue; a moratorium on the death penalty; the closure of some clandestine detention centres; and the amendment of the 1999 law on political parties. Others, such as changes in the Military Court, are still pending.

36. On 6 February, the President established an international commission to investigate the assassination of the President, consisting of 12 Congolese and four Namibians, Angolans and Zimbabweans. Only the identity of its Chairman, the Attorney-General of the Republic, is known officially. It was granted widespread powers (to arrest and detain; to search premises and public and private documents, etc.), in exercise of which it committed very serious violations of human rights (see para. 67 below). On 20 April, it issued a report that decided nothing, not even the release of those whom it had arbitrarily ordered detained. It opted for the simple solution of blaming the crime on Rwanda and Uganda and certain leaders of the rebel groups; it established as the date of death 18 January, the fictitious date invented by the victim's friends; and it did not identify the President's assassin. It lacked all credibility.

37. On 21 May, the new law on political parties was published. Unlike Decree-Law 194/1999, it recognizes the validity of the political parties formed during the Mobutu era and imposes on them formalities that are odd rather than an attack on their freedom (for instance, they must let the authorities know that they still exist). It is certainly not the work of a democratic Government, but it does represent significant progress. Unfortunately, administrative authorities, including the military commander who acts as Minister of the Interior, interpreted the new law in the most arbitrary way imaginable, and when the Special Rapporteur arrived, the Council of Ministers had to give it the obvious, natural interpretation.

38. However, some traditional political parties *Union pour la démocratie et le progrès social* (UDPS), *Forces novatrices pour l'union et la solidarité* (FONUS), *Mouvement populaire pour la révolution* (MPR)-Fait privé, MLDC and *Forces politiques nouvelles* (FPN) do not even accept the new law, a position that will distance them still further from the population. They have also reached agreements with RCD/Goma and FLC that have surprised civil society, for instance, the establishment of the *Union des Forces Congolaises*

pour le respect integral de l'Accord de Lusaka (UFAD) and the 30 June declaration, signed by their representatives abroad, referring to the occupied territories as "liberated territories". They appear to be involved in internal quarrels rather than in the Inter-Congolese Dialogue.

V. Political developments in territory controlled by the *Rassemblement congolais pour la démocratie (RCD)*

39. Since its establishment, the *Rassemblement congolais pour la démocratie (RCD)* has experienced various internal divisions, giving rise to RCD/Goma and RCD/Kisangani (subsequently RCD/Bunia), named after their headquarters, RCD/Wamba and, later, RCD/*Mouvement de libération (RCD/ML)*. It has also been deserted by many of its founding members, basically those not belonging to the Tutsi ethnic group. Some of those who left have joined the Kinshasa Government, the non-armed opposition or FLC. RCD controls part of North Kivu, South Kivu, part of Oer Vale province, Maniema, part of Katanga and a large part of Kasai Oriental. Of its 50 founding members, about 25 apparently remain, of whom 19 are Tutsi. On 30 July, many founding members were expelled.

40. The same rejection of RCD that can be observed in Goma and Bukavu can be seen in Kisangani, as shown by the triumphal reception of MONUC in April and the complete failure of an RCD-organized march against MONUC and against the demilitarization of Kisangani by 24 July.

41. There are no parties except RCD, the single party or party-State, in the areas it occupied. It has attracted some people in order to use names of phantom parties founded in the Mobutu era, in an attempt to create an impression of pluralism.³ Any form of opposition causes those concerned to be branded as "negative forces" or perpetrators of genocide.

42. The Local Defence Unit, a paramilitary group responsible for numerous acts of violence, continues to operate.

43. The Mai-Mai guerrilla forces supported by Kinshasa are becoming increasingly popular. Comments such as "they are our pride" and "they are patriots" were heard in all the cities visited. Some of them formed the *Mouvement de la renaissance du*

Congo Mai-Mai (MRC-MM), which the Special Rapporteur considers a guerrilla group rather than a political party.

44. Any form of opposition is suppressed. A *ville morte* (general strike) in Uvira ended with the detention of the organizers and of the taxi drivers and shopowners who joined in. In Bukavu, "wanted" notices were issued for people who were distributing cassette recordings of the sermons of the late Archbishop Kataliko. The Governor of South Kivu prohibited the holding of requiem masses for Kabila (22 January) and shut down shops that closed in mourning.

45. RCD has carried out new acts of sovereignty which the population rejects, such as setting up an appeals court and proclaiming (on 27 July) federalism in the area it controls, including announcing the appointment of provincial assemblies.

46. The RCD rejection of MONUC, the obstacles to the Mission's functioning and the threat to expel Moroccan soldiers are all signs that RCD rejects the Inter-Congolese Dialogue; this will only increase its isolation from the population.

VI. Political development in territory controlled by the *Front de libération du Congo (FLC)*

47. After numerous failed attempts in Kampala, the *Mouvement de libération du Congo (MLC)* finally federated with RCD/Kisangani, Bunia, Wamba or ML, and with RCD/*Nationale* headed by Roger Lumbala, giving rise to the *Front de libération du Congo (FLC)*. FLC has Uganda's full support and each faction is vying for Kampala's favour. Wamba, the former RCD leader, was expelled and is now accused of genocide and torture; his house was ransacked by Ugandan soldiers.

48. RCD/*Nationale* developed from the private militia of a rich businessman who owns mines in Bafswende and has close ties to Kampala. Terror reigns in the area it controls and there have been horrendous human rights violations. The desperate population does not even have the right to freedom of movement because of the strong Mai-Mai presence. The Executive Secretary of FLC told the Special Rapporteur that

RCD/*Nationale* had merged with RCD/ML and disappeared. Lumbala is Deputy Minister of FLC.

49. In Bunia, Beni and Gemena and, to a lesser extent, Gbadolite, the population lives in fear. There are no newspapers and only the official radio and television stations. In this climate of fear, civil society has recently begun to organize. FLC security services wanted to attend the meeting between civil society and the Special Rapporteur in Gemena. When this unusual request was denied, they took up positions around the building, whose windows had no glass. The meeting had to be suspended until they withdrew.

50. The population feels that its fate is being decided in Uganda. The general sentiment is that "we hoped that Bemba would get rid of the Ugandans, but he has not been able to".

51. In March, FLC reached an agreement to merge with some Mai-Mai groups (its enemies), undertaking to give them training and move them away from the Ugandan soldiers.

52. In June, armed clashes broke out among the different RCD/ML factions (Wamba, Tibasima and Mbusa) because of personal problems and competition for the favour of Kampala (ongoing since 1999), resulting in the deaths of some 78 innocent civilians.

53. In late July, it was claimed that troops of the União Nacional para a Independência Total de Angola (UNITA) were backing FLC in its fight against Kabila and his ally Angola.

VII. Human rights in Government-controlled territory

A. National Human Rights Conference⁴

54. On 1 February, the new President, Joseph Kabila, announced in Washington, D.C., that a National Human Rights Conference would be held to denounce violations in the eastern part of the country and prepare a plan of action. A preparatory conference would be held and the conference itself organized and held within a month. It was obvious that the conference was being held for propaganda purposes and, of course, these were not achieved. The preparatory conference was held in March and the National Conference took place in June, but important human rights organizations were not invited.

55. Nevertheless, the participants who were invited were able to express themselves freely and there are no substantive criticisms to be made of the resulting documents (a Congolese Charter of Human Rights and a National Plan of Action), which contain positive elements: inter alia, an end to the arbitrary dismissal of 315 magistrates decreed by Laurent Kabila; an independent truth, justice and reconciliation commission; human rights education for police and soldiers; abolition of the death penalty; and primacy of international law over domestic law.

56. The agreements must be translated into law. The Special Rapporteur hopes that they will not remain a dead letter, like the first plan of action (1998), the agreement on the abolition of the Military Court (1999), the various bills and forums on new constitutions,⁵ the agreements on the demobilization of child soldiers, and many others.

B. Violations of human rights and international humanitarian law^{6,7}

Right to life

57. Laurent Kabila continued to breach his commitment to suspend the death penalty. The six executions in 2001 took place before his death. His successor imposed a moratorium and there have been no further executions.

58. On the day of the President's assassination, the most serious case of political murder took place: 11 Lebanese citizens were detained and executed without explanation. The international commission on the assassination of the President is investigating the case. In other political murders, a student was killed in Kinshasa (24 March) and two members of the opposition were killed in Lubumbashi (29 April); both murders have gone unpunished. Many soldiers from Kivu who were detained before and after the President's assassination have disappeared, while Pierre Ngbutene Gbende was tortured to death in a Detection of Unpatriotic Activities Police (DEMIAP) detention centre by DEMIAP staff and staff of the National Information Agency (ANR).

Right to liberty of person⁸

59. Many civilians and soldiers from Kivu and Équateur have been detained, for reasons that are not always explained, as have journalists and human rights

defenders. The international commission to investigate President Kabila's assassination and the Military Court commit the greatest number of abuses. Although some detention centres were closed down on the day of the Special Rapporteur's arrival in March, many are used sporadically, for instance, the DEMIAP centre where Ngbutene died as a result of torture.

60. The President declared an amnesty in May, just before the arrival of the Security Council mission, which benefited many people not implicated in violent crimes or treason, a crime of which dissidents⁹ were often accused during the Laurent Kabila era (but not under his son and successor). On the occasion of each visit by the Special Rapporteur, detainees were released.

Right to freedom of movement

61. Many people cannot travel abroad and no one may travel to the east of the country. Several members of the opposition are on a list of persons forbidden to leave the country, and many people have their passports taken away from them upon their arrival. The Special Rapporteur found out that the explanation given by the Minister of the Interior ("the passport belongs to the State, it is taken away upon return and must be requested each time we want to travel") is not true.

Right to physical integrity

62. Torture is still used, although in recent months the number of complaints has diminished. The most serious case is that of Pierre Ngbutene (see para. 58 above).

Right to freedom of expression and opinion

63. In contrast to the situation in territory controlled by RCD and FLC, in Government-controlled led territory, there are many independent daily newspapers. However, criticism is always difficult, as media directors and journalists are very often detained, summonsed, interrogated and sometimes tortured.

64. Two private television stations confiscated by Dominique Sakombi, a former Minister under Mobutu and Laurent Kabila, have not been restored to their owners. In the case of *Radio-télévision Kin-Malebo*, it was said that the grounds for confiscation (officially, "placing under supervision") were that it had been acquired with funds embezzled from the State during

the Mobutu era (when Sakombi was Minister) an allegation which has never been proved in court.

Right of asylum

65. Nineteen Congolese citizens from Kinshasa, suspected of being loyal to Masasu, fled to Brazzaville between December 2000 and January 2001, where they requested asylum in the offices of the United Nations High Commissioner for Refugees (UNHCR). They were returned to Kinshasa on 23 April without an extradition request, where they were detained by order of the commission to investigate the assassination of the President. All had been detained previously. Three judicial officials of the Military Court,¹⁰ who also fled to the Republic of the Congo because of persecution by the Prosecutor of that Court, run the same risk of refoulement. No decision has been taken as yet on their requests for asylum, even though they are not accused of crimes which preclude asylum and persecution continues in Kinshasa against their three families. The Republic of the Congo is a party to the 1951 Convention relating to the Status of Refugees and its Protocol.

Right to freedom of association

66. The new law on political parties legalized the parties which Laurent Kabila had banned, but repression continues under the new law. Both before and after its passage, opposition leaders and soldiers were detained and their activities prohibited. The offices of the Association Zaïroise de défense des droits de l'homme (ASADHO), closed down by Laurent Kabila, were re-opened by his son just before the Security Council mission. However, there have been many cases of persecution of non-governmental organizations (detention, threats, summonses). The Misabiko and N'Sii cases are just two examples.

Right to due process

67. This is the right most wantonly violated in the territory controlled by Kinshasa, thanks to the discredited Military Court¹¹ and the commission to investigate the assassination of the President.

(a) Trial and execution of Anselme Masasu.¹²

Masasu and his group were detained, tortured, transferred to a different city, imprisoned, charged, tried on the front 2,000 kilometres from the scene of the alleged crime, convicted and nine of them executed

in total secrecy by the Military Court and its Prosecutor, Charles Alamba Mongako. They did not have a lawyer ("there are no lawyers at the front", according to the President of the Court) or the right to call witnesses.¹³ Many of those detained have disappeared.

(b) **Detention of soldiers and a former ambassador.** Between 26 January, 48 hours after Joseph Kabila was sworn in, and 19 February, 11 soldiers and a former ambassador were detained, accused of planning to assassinate the new Head of State. They were tortured, transferred in secret to Lubumbashi and later Buluo, interrogated only once by the Military Court and tried before it in Likasi — 2,200 kilometres from the scene of the alleged crime — in order to prevent their legal defence. Many of them did not know each other.

(c) **Detainees.** Fifty citizens of Kivu and two of Équateur, plus the widow and a son of Ngbutene, were detained between 14 and 16 April and taken to a DEMIAP detention centre, despite official reports of its closure, where one of them, Ngbutene, died. They were accused of plotting against the President and interrogated just once. Although they are being held at the disposal of the Military Court and its Prosecutor, they are not being tried and do not have the right to defence counsel. Even worse, the Court, which has jurisdiction to investigate the torture which resulted in the death of Ngbutene (a crime committed by soldiers on military premises in the performance of their duties), has launched no investigation. This case involved arbitrary detention plus impunity for violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(d) **International commission to investigate the assassination of the President.** This commission was granted widespread powers (see para. 36). Over 200 people were detained on its orders, of whom over 100 were held in the first wing of the Kinshasa Penal and Rehabilitation Centre, guarded by Zimbabwean soldiers, the only ones to authorize visits and material comforts. In addition to the Attorney-General, its chairman, it was confirmed that the all-powerful Military Court Prosecutor was a member of the commission. Among those detained are two human rights defenders (Golden Misabiko and N'Sii Luanda) and other individuals whose lack of connection to the assassination is clear. There is no right of appeal

against the decisions of the former commission, nor do the detainees have access to a lawyer. Neither the President, the four Ministers interviewed, the Attorney-General or the Military Court Prosecutor had any response to the basic questions of who can release the detainees or when or before whom the trial of the prisoners, some of whom have been held incommunicado for over six months, will begin.

Violations of international humanitarian law

68. The most serious violations of international humanitarian law committed by the Congolese Armed Forces (FAC) and the other armies allied with Kinshasa (Angola, Namibia and Zimbabwe), as well as by the Mai-Mai guerrilla fighters were the December bombings of Kalemie and Filtisaf (one and 10 civilian deaths); Pweto (January); the Mai-Mai attacks in Rutshuru and Kibumba (February); and the Mai-Mai capture of the civilian settlements of Kimia Kimia, Dungo Mulanga and Kasese Bolanga (June). Even more serious was the taking of 30 foreign hostages (Thai, Swedish and Kenyan) in May, which ended in late July thanks to the intervention of opposition leader François Lumumba.

VIII. Human rights and international humanitarian law in territory controlled by the *Rassemblement congolais pour la démocratie* (RCD)¹⁴

69. The situation of terror, suspicion and insecurity prevailing in the territory occupied by RCD and its ally Rwanda is in itself a "situation of ongoing violation of human rights" which, quite apart from specific acts and individual violations, affects everyone. The situation in the eastern part of the country must be analysed in this context.

70. The denial of the right enshrined in article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights: "All peoples may ... freely dispose of their natural wealth and resources" and "In no case may a people be deprived of its own means of subsistence" is especially significant.

71. The plunder of Congolese wealth was thoroughly documented in the report of the Expert Panel appointed

by the Security Council (S/2001/357), support for whose work was expressed by consensus in Council resolution 1355 (2001) (paras. 21 to 23). Furthermore, according to the report, the conflict in the Democratic Republic of the Congo has become mainly about access to, control of and trade in five key mineral resources: coltan, diamonds, copper, cobalt and gold, to which precious timbers and coffee should be added.

72. RCD has established a monopoly over the exploitation of coltan and, as reported to the Special Rapporteur, demands a monthly war tax from its concessionary which means that the Congolese people are paying with their own wealth for the aggression against the country.

73. It is true that according to the report, the countries invited to defend the Democratic Republic of the Congo, as well as some of their leaders, have also profited from Congolese wealth, but article 1 of the International Covenants does not refer to that, it is clearly directed at foreign Powers which exploit such wealth against the wishes of the people concerned.

Right to life

74. No death sentence has been carried out. The Special Rapporteur learned of two cases of death by torture (both in Cihirano), which so far have gone unpunished, plus another in which the perpetrator, an RCD commander, was tried and convicted. In addition, information was received on deaths as a result of torture inflicted by Rwandan soldiers on Congolese who refused to work in the exploitation of national wealth; this information is confirmed by paragraph 42 of the report of the Expert Panel. Attacks by Rwandan and RCD soldiers on the defenceless population are common and definitely result in deaths.

Right to physical integrity

75. Torture continues to be used frequently, especially on those suspected of collaborating with the Mai-Mai. The Special Rapporteur received information from 67 individuals who had been tortured in Uvira in December and on many cases in Goma, especially in the Bureau II detention centre. Despite the announcements authorizing access to detention centres, which at first were complied with, the Special Rapporteur was informed on his second visit, of difficulties faced in that regard by lawyers and non-governmental human rights organizations.

Right to liberty of person

76. Accusations of "committing genocide", "collaborating with the Mai-Mai", "having contacts with Kabila" or even "having sent a letter to Masire" continue to be sufficient grounds for detaining individuals.

Right to freedom of movement

77. RCD denials notwithstanding, many people are unable to leave the territory controlled by Rwanda and RCD. The most recent reported case is that of a human rights activist who travelled to Kinshasa for the National Conference and since then has been unable to leave the country. The Special Rapporteur has a list of 88 people who cannot leave RCD-controlled territory.

Right to freedom of expression and opinion

78. There is none. There are no independent daily papers, and those which RCD showed to the Special Rapporteur appeared to be political propaganda. In Kisangani, Radio Amani of the Catholic Church is threatened with closure because it spoke of demilitarization, human rights and anti-personnel bombs, and a journalist was cautioned for reporting statements by the Director of Peacekeeping Operations. In Bukavu, Radio Maendeleo remains shut down.

Right to due process

79. Impunity continues to prevail for crimes (torture, massacres, etc.) committed by APR and RCD troops, even though in one newsworthy case of death by torture, a commander was convicted and given a lengthy sentence. There are other cases which irritate the population, such as the one where a number of soldiers allegedly stole war materiel from Bandoka airport; the soldiers belonging to so-called indigenous ethnic groups remain on trial, while the two Banyamulenge were released. No information was received this year on trials before the *Conseil de guerre opérationnel*.

Violations of international humanitarian law

80. The violations of the laws of war committed by Rwanda and RCD are of course much more serious than those committed by the Government, although they are not on the horrific scale of 1998, 1999 and 2000. The biggest massacres were those at Cihirano, Bugobe, Nyatende, Kamisimbi, Lurhala and Nyangesi

(South Kivu) in December, with a toll of 60 people dead and five burned alive. Bahutu soldiers in the service of APR were involved in the incidents, and 16 women and girls, some of them under 9 years old were raped. In April, APR and RCD soldiers attacked the health centre in Ifangi, Mwenga, killing seven pregnant women. In June, there were attacks on the towns of Cihirano, Cikolwe, Ikumba (10 people burned to death in one family) and Bidesi (26 people burned to death). That same month, RCD and APR attacked civilian populations in Ruzizi, Lemera, Katobo and Rugeje, killing 30 people.

IX. Human rights and international humanitarian law in territory controlled by the *Front de libération du Congo (FLC)*

81. The information reaching the Special Rapporteur is very limited because there are no solid, professional non-governmental organizations. For example, no organization in Gbadolite or Gemena had email or any way of accessing the Internet.

82. Everything that was said in paragraphs 70 to 72 concerning the right of peoples to dispose freely of their natural wealth and resources applies as much to FLC and Uganda as it does to Rwanda and RCD.

83. It is true that the climate of fear pre-dated the arrival of FLC. Actually, the memory of the sweep through the north-east of the country by Kabila's Alliance des forces démocratiques pour la libération du Congo-Zaïre (AFDL) in 1997 and the horrific massacres committed is still alive in the hearts and minds of the inhabitants of Équateur province.

84. In Gbadolite, "we are safe, they do not loot us, because no one dares protest". This assessment, repeated more than once, shows that the situation observed in 2000 in that city has worsened (E/CN.4/2001/40, para. 72).

Right to life

85. The Special Rapporteur learnt of a case of death by torture in Kodaliko and of many acts of violence by Ugandan soldiers that caused countless deaths in Eringeti and Beni.¹⁵ Ugandan soldiers take revenge on Congolese civilians for attacks by Ugandan guerrilla fighters of the National Army for the Liberation of

Uganda (NALU) and the Allied Democratic Forces (ADF). There have also been repeated reports of violations of the right to life by RCD/Nationale (RCD/N). The motives have more to do with profit than with the armed conflict (a diamond trader and those accompanying him were murdered by UPDF and RCD/N soldiers in March, for instance). UPDF protection of the Bahema has aggravated the conflict with the Balendu, resulting in over 15,000 deaths since 1999.

Right to liberty of person

86. The Special Rapporteur received few reports of incidents of arbitrary detention. However, in the Bunia and Beni prisons he met people who said that they were being held for political offences, and in all the cities he visited, it was emphasized that "there are many political prisoners" but that people are afraid to complain. A serious incident occurred in Bunia, namely, the arrest of three judges for having met with the Special Rapporteur.

Right to physical integrity

87. In Beni, the Special Rapporteur managed to get inside a military camp known to be a torture site and heard the moans of imprisoned soldiers. Not long before, there had been civilians in the camp. He also received complaints of torture in Bunia.

Right to freedom of expression and opinion

88. Only in Beni are there independent (monthly) publications. In Gbadolite and Gemena, the only known publication is the FLC information bulletin.

Right to freedom of association

89. There are no political parties and civil society is only just beginning to organize (see E/CN.4/2001/40, para. 126).

Right to due process

90. Although the impunity surrounding human rights violations is undeniable, particularly when those responsible are Ugandans, the Special Rapporteur congratulates the FLC authorities for having brought to trial the persons who tortured political leader Désiré Lumbulumbu to death in 1999.

Violations of international humanitarian law

91. UPDF has throughout the year been attacking civilian settlements such as Biambwe, Musienene, Nbingi, Bunyatenge, Kaghumo, Banyuke and Kirima. In the process, it has burnt entire villages, murdered women and children, attacked Catholic and Protestant churches, taken hostages and committed other acts of barbarism.

X. Conclusions and recommendations

A. Conclusions

92. The various wars, especially the one started by Rwanda and Uganda in 1998, continue to leave a trail of thousands of dead and wounded, burnt-out homes, orphans and, especially, poverty in a country with tremendous mineral and agricultural wealth. The Democratic Republic of the Congo currently ranks 142nd out of 152 on the Human Development Index of the United Nations Development Programme (UNDP). It has become clear that the war, for which the pretext is the security of the countries that started it, is also directed towards annexation and illegal exploitation of the resources of the Democratic Republic of the Congo. Congolese throughout the country feel humiliated and abandoned, and those under foreign occupation are living in terror and insecurity.

93. Uganda, Rwanda and Burundi have exported to the Democratic Republic of the Congo their own respective conflicts with NALU and ADF, the ex-FAR and Interahamwe, and FDD. In these conflicts, not one civilian of those countries is killed or wounded and not one of their trees, roads or homes is destroyed. The looting of Congolese wealth is financing death and destruction in that country.

94. The Lusaka Ceasefire Agreement, as adjusted on various occasions, remains valid, and although it is not being fully observed, there have been no substantial changes in the positions of the parties.

95. But still there is no peace and we are no nearer to the withdrawal of foreign troops, starting with the troops of those countries that have violated the territorial integrity and sovereignty of the Democratic Republic of the Congo. Each time, those countries and the Congolese factions that support them find new pretexts for delaying the fulfilment of their obligations.

96. In time of war, the rules of international law governing internal, international and internationalized internal armed conflicts are habitually violated. The most serious violations are the attacks on defenceless civilian settlements by the allied armies of RCD/Rwanda (Ciherano, Cicolwe, Ikumba, Ruzizi, Lemera, Katobo and Rugeje) and FLC/Uganda (Biambwe, Musienene, Nbingi, Bunyatenge, Kaghumo, Banyuke and Kirima). As far as the Government is concerned, the most serious violations are the bombings and attacks at Kimia Kimia, Dongo Mulanga and Kasese Bolanga and the taking of 30 foreign hostages by the Mai-Mai, with support from the Congolese Armed Forces.

97. In Government-held territory, the worst violation was the assassination of President Laurent Kabila on 16 January and the totally illegal succession of his son Joseph. The assassination did not cause the destabilization that had been feared, although the Congolese Armed Forces killed 11 Lebanese nationals, a crime for which no explanation has as yet been given.

98. The new President announced measures that aroused hopes at home and abroad. Some of these have already been put into effect: a moratorium on the death penalty, greater freedom of action for political parties, a National Human Rights Conference and authorization for the resumption of activities by a prominent non-governmental organization that his father had closed down. In addition, he pledged to comply with the agreements concluded by his father in Lusaka (which his father had made a point of disregarding), especially those on supporting MONUC and the Facilitator of the Inter-Congolese Dialogue, Sir Ketumile Masire.

99. Still pending and apparently not on the agenda are the abolition of the Military Court or at least the restriction of its jurisdiction to crimes committed by members of the armed forces and, especially, the adoption of legislation to give effect to the agreements reached at the National Human Rights Conference. Although some secret detention centres have been closed down, some are used occasionally and in one of them, operated by DEMIAP, a suspected opposition member was tortured to death. The most serious human rights situation is the continuing abuses by the Military Court and the arbitrary actions of the international commission to investigate the assassination of the President. While there are daily newspapers in Kinshasa, Lumumbashi and other cities, many

journalists have been detained and two private radio and television channels remain confiscated.

100. In areas controlled by RCD and Rwanda and by FLC and Uganda, the most serious violations are reprisals against civilian populations, in the form of deadly attacks, for acts for which they are not responsible, and the systematic, illegal looting of natural wealth and resources belonging to the Congolese people. There is no freedom of expression, independent dailies are few and far between (the Special Rapporteur knows of only two) and a one-party system is in effect: RCD in the east and FLC in the north-east. The population's fear and rejection of foreign occupation are obvious, even in places where they were not apparent a year ago (Gbadolite). Uganda, Rwanda, FLC and RCD are refusing to comply with what was agreed in Lusaka and ordered by the Security Council: the withdrawal of foreign troops, starting with those that have violated the sovereignty and territorial integrity of the Democratic Republic of the Congo, and the demilitarization of Kisangani. Another negative aspect of Uganda's involvement is its strong support for the Bahema in the conflict with the Balendu, which has totally destabilized the region and paved the way for killings and abuses.

101. There has been no improvement in the situation of women and children. At least five of the national armies fighting in the war, as well as all the Congolese and foreign guerrilla movements, continue to recruit children, even as they claim to be putting into effect demobilization plans whose effects cannot be seen, as the Special Rapporteur reported last March (E/CN.4/2001/40/Add.1, sect. IV).

102. The inter-Congolese "pre-dialogue" will begin soon, with international facilitation. The model chosen seems to accommodate two apparently contradictory wishes of the Congolese people: they call on that abstraction known as the "international community" to intervene, but they protest when it does (see E/CN.4/2000/42, para. 18, and E/CN.4/2001/40, para. 33 and footnote 6). Thus, it is the Congolese, and not the Facilitator, who will carry on a dialogue with a view to laying the foundations of the country they want. The "international community" will intervene through a person of great prestige, Sir Ketumile Masire, who will act according to the exact terms of his mandate as reflected in his title.

103. The Special Rapporteur's two visits and the Security Council's mission wielded positive results: political prisoners were released, prison conditions improved, a law on political parties was adopted and interpreted rationally, and organizations that had been shut down resumed operations; this happened in all three parts of the country.

B. Recommendations

104. In addition to all the recommendations made in previous reports, the Special Rapporteur proposes:

105. *To all the parties to the conflict, political parties and key sectors of civil society in the country:* (a) that they commit themselves fully and in good faith to the Inter-Congolese Dialogue, avoiding pointless arguments and always keeping their eyes on the goal — the establishment of a democratic, participatory system and full respect for civil, cultural, economic, political and social rights. Support for the Facilitator is essential to this end; (b) that they cooperate with MONUC as it carries out its functions, informing it of the presence and armaments of armed groups in order to locate them, facilitate their disarmament and promote their reintegration; (c) that they begin immediately to demobilize, disarm and reintegrate child soldiers; and (d) that they respect the rules of international humanitarian law.

106. *To the Government and other public authorities in Kinshasa:* (a) that they take urgent steps to restore the rule of law, resolving the situation of persons currently detained by the Military Court and the international commission to investigate the assassination of the President; (b) that they restore the radio and television channels that were confiscated and refrain from taking action against the media and journalists; (c) that they stop supporting the Mai-Mai; (d) that they quickly draft laws giving effect to all the agreements reached at the National Human Rights Conference; and (e) that they give precedence to international human rights norms over domestic law.

107. *To the countries that have violated the sovereignty and territorial integrity of the Democratic Republic of the Congo:* (a) that they comply strictly with the Security Council resolutions on withdrawal from the Democratic Republic of the Congo and demilitarization of Kisangani; (b) that they refrain from

exploiting Congolese natural wealth and resources and return the goods they have exploited illegally.

108. *To RCD and MLC:* (a) that they end all relations of subordination and cooperation with the armies that have violated the sovereignty of the Democratic Republic of the Congo; (b) that they put an immediate end to actions that cause terror among the Congolese population; (c) and that they suspend any action that presupposes the country's partition, such as the introduction of federalism and the appointment of provincial assemblies not provided for under Congolese law, and repeal all the measures already taken (changes of flag, twinning of towns, etc.).

109. *To Congolese lawyers and human rights organizations:* that they ensure the defence of victims in every case where human rights have been violated. For every person detained, they must file a writ of habeas corpus, force the judge to act, exercise the right to meet with the prisoner, demand the person's registration in the log of detainees and visit the prisons. For every case of torture or murder, there must be criminal proceedings, a complaint, a request for a medical report, etc. Every arbitrary judicial action must be appealed or countered by the most appropriate judicial remedy.

110. *To international and non-Congolese organizations of lawyers and judges and to international non-governmental organizations:* that they keep a close watch by sending observers to the proceedings, on the trials that are going on, or in which the international commission to investigate the assassination of President Kabila or the Military Court are involved, especially those mentioned in this report.

111. *To the Office of the United Nations High Commissioner for Human Rights:* that it open new offices in the country's main cities in order to help the people living there.

112. *To States that have economic interests in and/or provide economic or political backing to the countries that have violated the sovereignty of the Democratic Republic of the Congo:* (a) that they exert economic and political pressure to make those who have flouted Congolese sovereignty comply strictly with the Lusaka Agreement and Security Council resolutions on the withdrawal of foreign troops, beginning with such withdrawal, and on the demilitarization of Kisangani; (b) that they make sure that Congolese resources that have been illegally exploited are returned; (c) that they

demand of the countries they support, just as they rightly demand of the Democratic Republic of the Congo, that they establish democratic regimes that are respectful of human rights and domestic and international peace — the only way to ensure good governance.

Notes

¹ See E/CN.4/2001/40, paras. 49 and 50.

² See E/CN.4/1998/65, paras. 32 to 37, E/CN.4/1999/31, para. 17, E/CN.4/2000/42, paras. 32, 33 and 125 (a) and E/CN.4/2001/40, para. 48.

³ E/CN.4/2001/40, para. 61.

⁴ See E/CN.4/2001/40/Add.1, para. 25.

⁵ See E/CN.4/2001/40, para. 57.

⁶ Examples of cases will be included in the report to the Commission on Human Rights.

⁷ The Rapporteur regrets that, because of the 16-page limitation, this preliminary report will not deal with freedom of religion and belief, economic, social and cultural rights and the rights of women and children, which will be included in the report to the Commission on Human Rights. With respect to the recruitment of child soldiers, there has been no significant change in the situation described in document E/CN.4/2001/40/Add.1, paras. 59 to 83.

⁸ Prison conditions will be addressed in the report to the Commission on Human Rights.

⁹ See A/CN.4/2001/40, para. 89.

¹⁰ Case already analysed in E/CN.4/2001/40, para. 90.

¹¹ E/CN.4/1999/31, paras. 90, 91 and 107; E/CN.4/2000/42, paras. 63, 122 and 137; E/CN.4/2001/40, paras. 89, 90, 170 and 176 (b) (ii).

¹² E/CN.4/2001/40, para. 75, and E/CN.4/2001/40/Add.1, paras. 21 and 22.

¹³ The President of the Court and its Prosecutor, Alamba, said that they had "chartered a plan for the witnesses indicated by the accused". This is not true: the survivors of the summary execution said that they were unaware that they had the right to call witnesses.

¹⁴ Notes 6 and 7 above also apply.

¹⁵ E/CN.4/2001/49/Add.1, paras. 35 and 36.

Annex I

Reports and resolutions of the Commission on Human Rights and the General Assembly

A. Resolutions

Commission on Human Rights

1994/87, 1995/69, 1996/77, 1997/58, 1998/61, 1999/56, 2000/15, 2001/19.

General Assembly

53/160, 54/179, 55/117.

B. Reports

Commission on Human Rights

E/CN.4/1995/67, E/CN.4/1996/66, E/CN.4/1997/6 and Add.1 and 2,
E/CN.4/1998/64, E/CN.4/1998/65, E/CN.4/1999/31, E/CN.4/2000/42,
E/CN.4/2000/43, E/CN.4/2001/19 and Add.1.

General Assembly

A/52/496, A/53/365, A/54/361, A/55/403.

Annex II

Officials, eminent persons and institutions with whom the special rapporteur met and places he visited during his mission to the Democratic Republic of the Congo (19 July to 2 August 2001)

A. In Government-controlled territory

Government officials

President of the Republic; Minister and Deputy Minister of State for Foreign Affairs and International Cooperation; Minister for Human Rights; Minister of Information; Minister of Justice; Attorney-General of the Republic; Prosecutor and President of the Military Court; Inspector-General of Police; President of the Constituent and Legislative Assembly — Transitional Parliament.

Other eminent persons and institutions

Members of the diplomatic corps accredited to the Democratic Republic of the Congo; representatives of United Nations agencies (Kinshasa, Goma, Kisangani, Gbadolite, Gemena, Lubumbashi); team of the Facilitator of the Inter-Congolese Dialogue.

Non-governmental organizations/civil society

Association zaïroise de défense des droits de l'homme; Association des femmes magistrats du Congo; Association des femmes médecins oeuvrant en République Démocratique du Congo; Association des journalistes de la presse féminine; Association pour la défense de l'enfant et de la femme; Cause commune-Lobby pour la promotion et la défense des droits de la femme congolaise; Centre africain pour la paix, la démocratie et les droits de l'homme; Centre congolais de l'enfant et de la famille; Centre de développement pour la femme; Centre des droits de l'homme et du droit humanitaire international de Lubumbashi; Cercle de réflexions bibliques pour la paix et le développement; Collectif d'action pour le développement des droits de l'homme; Collectif des jeunes solidaires du Congo-Kinshasa; Collectif des parents d'enfants soldats; Congo Peace Initiative; Conseil national des associations pour la démocratie et les droits de l'homme; Eveil de la femme; Fédération des avocats et activistes des droits de l'homme; Groupe d'action pour la démobilisation et la réinsertion des enfants soldats; G315; Humanité nouvelle; Initiatives pour le développement de l'entrepreneuriat féminin à la base; Journalistes en danger; Justice sans frontières; Ligue de conscientisation des électeurs; Ligue nationale pour la protection des droits des locataires et des sans-abris; Law Group; Mouvement international des femmes pour la démocratie et le développement, Congo; Radio-télévision Kin-Malebo; Réseau Action Femmes; Réseau d'éducation civique au Congo; Réseau des organisations des droits de l'homme et d'éducation civique d'inspiration chrétienne; Réseau national contre le racisme et le tribalisme en République Démocratique du Congo; Réseau national des organisations non-gouvernementales des droits de l'homme de la République Démocratique du Congo; Secrétariat technique de la société civile et comité pour la démocratie et les droits de l'homme; Société des juristes catholiques du Congo;

Syndicat des cadres et des employés des secteurs des services; Voix des sans-voix pour les droits de l'homme; Pastor of Gombe Church; former and serving judges; journalists, political leaders and human rights activists imprisoned in Kinshasa.

Political parties

Union pour la démocratie et le progrès social (UDPS); Parti lumumbiste unifié (PALU); Forces novatrices pour l'union et la solidarité (FONUS); Rassemblement de l'opposition congolaise (ROC)-Forces du futur; Parti démocratique et social chrétien (PDSC); Mouvement populaire pour la révolution (MPR); Mouvement national congolais/Lumumba (MNC/L); les Verts congolais; Union des nationalistes fédéralistes congolais (UNAFEC).

Places visited

Kinshasa Penal and Rehabilitation Centre

Jail of the Provincial Police Inspectorate of the City of Kinshasa

Jail of the Detection of Unpatriotic Activities Police

Jail of the National Information Agency

Kinshasa University/Law Faculty

Kinshasa General Hospital.

B. In territory controlled by the Rassemblement congolais pour la démocratie (RCD)/Goma

Officials

Heads of the Departments of Justice, Human Rights and Dispute Settlement; Foreign Affairs and Cooperation; National Administration; Security and Information; Military Activities; Cabinet Director and Auditor-General of the Armed Forces; Governor of Orientale province (Kisangani).

Non-governmental organizations/civil society/political parties

There are no political parties.

For security reasons, the list of non-governmental organizations met by the Special Rapporteur in the territory controlled by RCD/Goma is not published.

C. In territory controlled by the Front de libération du congo (FLC)

Officials

Secretary-General of FLC; presidential adviser; most of the members of the FLC Executive Committee (national secretaries responsible for youth and sports, trade and agriculture, military training and security); Attorney-General; Commissioner of Gemena district.

Non-governmental organizations/civil society/political parties

There are no political parties.

For security reasons, the list of non-governmental organizations met by the Special Rapporteur in the territory controlled by FLC is not published.

D. Eminent persons met during the missions to New York (20 to 26 February and 7 and 8 May 2001)

1. United Nations

The Secretary-General; officials of the Office of the High Commissioner for Human Rights, the Department of Political Affairs (Assistant Secretary-General and Director of the Africa I Division), the Department of Peacekeeping Operations (Under-Secretary-General) and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (Under-Secretary-General); the Special Representative of the Secretary-General for the Democratic Republic of the Congo; the Head of MONUC; officials of UNDP, UNHCR (Director of the New York Liaison Office) and the United Nations Children's Fund (UNICEF) (Director of the Division of Evaluation, Policy and Planning).

2. Government delegations/permanent missions to the United Nations/others

Democratic Republic of the Congo; United States of America; France; Belgium; Sweden (Presidency of the European Union); Botswana (Facilitator of the Inter-Congolese Dialogue).

3. Regional organizations

Special Envoy of the European Union for the Great Lakes Region; Deputy Executive Secretary of the Organization of African Unity at United Nations Headquarters, New York.

4. Congolese rebel movements

Rassemblement congolais pour la démocratie/Goma; Front de libération du Congo (FLC).

5. Non-governmental organizations

Human Rights Watch; Amnesty International.

Annex III

Armed conflicts taking place in the territory of the Democratic Republic of the Congo

Government of the Democratic Republic of the Congo^a/Rassemblement congolais pour la démocratie/Goma,^a Rwanda, Burundi.

Government of the Democratic Republic of the Congo^a/Front de libération du Congo, Uganda.

Government of Rwanda/former Rwandan Armed Forces and Interahamwe.

Government of Uganda/various armed opposition groups.

Government of Burundi/Front pour la défense de la démocratie.

Government of Angola/União Nacional para a Independência Total de Angola.

Government of the Republic of the Congo/various armed opposition groups.

Government of Rwanda/Government of Uganda.

Tribal conflict between the Bahema and the Balendu.

National armies

Democratic Republic of the Congo

Invited armies: Angola, Namibia, Zimbabwe

Armies belonging to countries that have violated the sovereignty and territorial integrity of the Democratic Republic of the Congo: Uganda, Rwanda, Burundi.

Irregular armed groups directly or indirectly involved in the armed conflict in the Democratic Republic of the Congo

Rassemblement congolais pour la démocratie (RCD)

Former Rwandan Armed Forces (ex-FAR)

Interahamwe

Mouvement de libération du Congo (MLC)

União Nacional para a Independência Total de Angola (UNITA)

Mai-Mai of South Kivu

Mai-Mai of North Kivu

Front pour la défense de la démocratie (FDD)

Lord's Resistance Army

Sudan People's Liberation Army (SPLA)

^a Parties mentioned in the Lusaka ceasefire agreement.

Simba Brigade

Union des nationalistes républicains pour la libération (UNAREL)

Mouvement pour la sécurité, la paix et le développement (MSPD)

Former Ugandan National Army (FUNA)

West Nile Bank Front (WNBF)

National Army for the Liberation of Uganda (NALU)

Allied Democratic Forces (ADF)

Front de libération du Congo (FLC)

Rassemblement congolais pour la démocratie/Mouvement de libération (RCD/ML),
also known as RCD/Kisangani and RCD/Bunia

Mongols (Hutu militia operating in the Masisi)

Local Defence Unit (paramilitary group organized by RCD/Goma).

Annex IV

International instruments to which the Democratic Republic of the Congo is a party

International Covenant on Economic, Social and Cultural Rights

International Covenant on Civil and Political Rights

International Convention on the Elimination of All Forms of Racial Discrimination

International Convention on the Suppression and Punishment of the Crime of Apartheid

Convention on the Prevention and Punishment of the Crime of Genocide

Convention on the Rights of the Child

Convention on the Elimination of All Forms of Discrimination against Women

Convention on the Political Rights of Women

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees

Geneva Conventions of 12 August 1949

Protocol I additional to the Geneva Conventions of 12 August 1949.



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Advancement of women

Status of the Convention on the Elimination of All Forms of Discrimination against Women

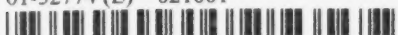
Report of the Secretary-General**

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* A/56/150.

** The present report was submitted after the 10-week deadline in order to include the results of the twenty-fifth session of the Committee on the Elimination of Discrimination against Women, which ended on 20 July 2001, and the pre-session working group for the twenty-sixth session of the Committee, which ended on 27 July 2001.



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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 55/70 of 4 December 2000, on the Convention on the Elimination of All Forms of Discrimination against Women, in which the Assembly requested the Secretary-General to submit to it, at its fifty-sixth session, a report on the status of the Convention.

II. Status of the Convention on the Elimination of All Forms of Discrimination against Women

2. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly by resolution 34/180 of 18 December 1979. It was opened for signature, ratification and accession in New York on 1 March 1980 and, in accordance with article 27, entered into force on 3 September 1981.

3. As at 1 August 2001, 168 States parties had ratified, acceded or succeeded to the Convention, of which 60 had acceded to it and 7 had succeeded to it. In addition, 3 further States were signatories to the Convention. The most recent States to ratify the Convention were the Democratic Republic of Korea, on 27 February 2001, and Saudi Arabia, on 7 September 2000. Mauritania acceded to the Convention on 10 May 2001, and Yugoslavia succeeded to it on 12 March 2001 (see annex I for the list of States that have signed, ratified, acceded to or succeeded to the Convention, the dates of signature and receipt of the instruments of ratification, accession or succession).

4. As at 1 August 2001, 24 States parties had deposited with the Secretary-General instruments of acceptance to the amendment to article 20, paragraph 1, of the Convention, relating to the periodicity and duration of the meetings of the Committee (see annex II). During the period August 2000 to 1 August 2001, Austria deposited its instrument of acceptance of the amendment on 11 September 2000.

5. During the period from 1 August 2000 to 1 August 2001, reservations were entered by the Democratic People's Republic of Korea to article 2, paragraph (f), and to article 29, paragraph 1, and Saudi Arabia entered general reservations to the Convention,

article 9, paragraph 2, and article 29, paragraph 2 (see annex III).

6. Objections to reservations were received from Denmark, Finland, France, Germany, Norway, Spain and Sweden (see annex IV). Communications were received from France and the Netherlands (see annex V). Withdrawals of reservations were received from Australia on 30 August 2000 and from Austria on 11 September 2000 (see annex VI).

III. Status of the Optional Protocol to the Convention

7. By its resolution 54/4 of 6 October 1999, the General Assembly adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Optional Protocol, which entitles individuals and groups of individuals to submit communications concerning alleged violations of the Convention in a State party to the Convention and the Protocol, allows the Committee on the Elimination of Discrimination against Women to inquire of its own motion into grave or systematic violations of the Convention. The Optional Protocol was opened for signature, ratification and accession at United Nations Headquarters on 10 December 1999 and entered into force on 22 December 2000.

8. As at August 2001, 68 State parties had signed the Optional Protocol and 24 had ratified it or acceded to it. The most recent States parties to ratify the Optional Protocol were Spain, on 6 July 2001, and Uruguay, on 26 July 2001. One State party (Bangladesh) opted out of the inquiry procedure upon ratification (see annex X).

IV. Committee on the Elimination of Discrimination against Women

A. Capacity to fulfil its mandate

1. Fulfilment by States parties of reporting obligations

9. Article 18, paragraph 1, of the Convention provides that States parties undertake to submit reports on the implementation of the Convention within one year after its entry into force for the State party

concerned, and thereafter at least every four years and further whenever the Committee so requests.

10. Between 1 August 2000 and 1 August 2001, the reports of 14 States parties were received by the Secretary-General, as follows:

Barbados (fourth periodic report)

Costa Rica (initial report)

El Salvador (combined third and fourth periodic reports, and fifth report)

Estonia (combined initial, second and third periodic reports)

Greece (combined fourth and fifth periodic reports)

Guatemala (third periodic report)

Guinea (initial report)

Hungary (combined fourth and fifth periodic reports)

Mexico (fifth periodic report)

Netherlands (third periodic report)

Singapore (second periodic report)

Sweden (fifth periodic report)

Trinidad and Tobago (initial report)

Viet Nam (combined third and fourth periodic reports).

11. Between 1 August 2000 and 1 August 2001, the Committee considered, at its twenty-fourth and twenty-fifth sessions, 22 reports submitted by 16 States parties: six initial reports; one combined initial, second and third periodic report; three second periodic reports; one combined second, third and fourth periodic report; three third periodic reports; two combined third and fourth periodic reports; three fourth periodic reports; one combined fourth and fifth report; and two fifth periodic reports (see annex VII).

2. Reports awaiting consideration

12. As at 1 August 2001, reports submitted by 39 States parties had yet to be considered by the Committee (see annex VIII). Bearing in mind the reports awaiting consideration, and its concern that the information contained in those reports would become obsolete, the Committee, at its twenty-fifth session,

adopted decision 25/I, in which it requested the General Assembly to: (a) approve on an exceptional basis, a session of three weeks' duration in August 2002, consisting of 30 meetings of the Committee to be used entirely for the consideration of the reports of the States parties in order to reduce the backlog of reports; (b) approve an enlargement of the pre-session working group that is scheduled to meet from 4 to 8 February 2002 in order to prepare issues and questions relating to reports to be considered at the extraordinary session of the Committee in August 2002.

13. In accordance with rule 23 of the rules of procedure of the Committee, a statement of the programme budget implications of decision 25/I were submitted to the Committee prior to the adoption of the decision.

3. Overdue reports

14. As at 1 August 2001, there were 239 overdue reports, of which 47 were initial reports, 62 were second periodic reports, 41 were third periodic reports, 50 were fourth periodic reports and 39 were fifth periodic reports (see annex IX).

B. Working methods of the Committee

Decisions and suggestions

15. At its twenty-fourth and twenty-fifth sessions, the Committee adopted six decisions including the above-mentioned decision 25/I, in which it requested the General Assembly to approve an extraordinary session to consider reports awaiting review.¹

16. By decision 24/I, the Committee adopted its rules of procedure. The text of the rules will be contained in an annex to the report of the Committee on its twenty-fourth and twenty-fifth sessions.

17. In its decision 24/II, the Committee decided to adopt a statement on gender and racial discrimination, to be forwarded to the Preparatory Committee for the World Conference against Racial Discrimination Xenophobia and Related Intolerance at its second session, held at Geneva from 21 May to 1 June 2001. By the same decision, it also decided, subject to the availability of resources, to nominate the Chairperson and two other Committee members, as well as the two members resident in South Africa, to attend, on its behalf, the World Conference to be held at Durban,

South Africa, from 31 August to 7 September 2001. In its decision 24/III, the Committee decided to develop closer links with the Commission on the Status of Women and drew attention to the willingness of members of the Committee to serve as experts in expert group meetings convened in preparation for the Commission and as panellists during Commission sessions.

18. In its decision 25/II, the Committee recalled its decision 22/IV and decided that, in drawing up the list of issues and questions with regard to periodic reports, the pre-session working group should normally formulate a short list of issues and questions, focusing on themes addressed by the Convention.

19. In its decision 25/III, the Committee adopted a statement to be forwarded to the special session of the General Assembly on children, and decided, subject to the availability of resources, to nominate one member to participate in the special session on its behalf.

20. At its twenty-fifth session, the Committee adopted two suggestions. In its suggestion 25/I, the Committee suggested that the Division for the Advancement of Women of the Department of Economic and Social Affairs establish a confidential electronic database for the registration of communications submitted under the Optional Protocol to the Convention, similar to that established by the Office of the United Nations High Commissioner for Human Rights, and that steps be taken to ensure an information flow between the proposed database of the Division and the existing database of the Office of the High Commissioner. The Committee requested the Division to report to it on the progress made in this regard at its twenty-sixth session. In its suggestion 25/II, the Committee suggested guidelines for reports submitted by United Nations entities to the Committee.

C. Working methods with regard to the Optional Protocol

1. Decisions and suggestions

21. The rules of procedure adopted by the Committee at its twenty-fourth session included rules governing its work under the Optional Protocol to the Convention. At its twenty-fourth session, the Committee, in accordance with those rules, established a working group on the Optional Protocol, which held two

meetings to discuss the working methods to be adopted during the twenty-fifth session of the Committee.

2. General recommendations

22. At its twenty-fourth session, the Committee began work on a general recommendation on article 4, paragraph 1, of the Convention, concerning temporary special measures aimed at accelerating de facto equality between men and women. At its twenty-fifth session, the Committee designated one of its members to provide it with a background paper on the question, for consideration at its twenty-sixth session.

V. Efforts to encourage universal ratification of the Convention, its Optional Protocol and acceptance of the amendment to article 20, paragraph 1, of the Convention

23. The Special Adviser to the Secretary-General on Gender Issues and Advancement of Women and the Director of the Division for the Advancement of Women have continued their efforts to encourage universal ratification of the Convention and the Optional Protocol, and to ensure acceptance of the amendment to article 20, paragraph 1, of the Convention, which relates to the meeting time allocated to the Committee. The Special Adviser called for universal ratification of the Convention, its Optional Protocol and acceptance of the amendment to article 20, paragraph 1, during the 105th Conference of the Inter-Parliamentary Union, held at Havana from 1 to 7 April 2001, in Havana, at the joint meeting of the Inter-agency Meeting on Women and Gender Equality and the Development Assistance Committee of the Organisation for Economic Cooperation and Development, held at Vienna from 23 to 25 April 2001, and at the International Symposium on the Impact of Women's Training on Socio-Economic Development, held at Haifa, Israel from 3 to 8 June 2001. The Director of the Division for the Advancement of Women gave an address on the Optional Protocol during a panel discussion convened during the Conference of the Inter-Parliamentary Union.

24. The Office of the Special Adviser on Gender Issues, the Division for the Advancement of Women and the Treaty Section of the Office of Legal Affairs convened a panel discussion on 5 July 2001, during the

twenty-fifth session of the Committee on the Elimination of Discrimination against Women. The aim was to promote the treaty signature/ratification event that is to be held as part of the fifty-sixth session of the General Assembly. The event is to focus on the rights of women and children and, in particular, 23 treaties, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.

dedicated to the Convention, its Optional Protocol and the work of the Committee. The text of the Convention and its Optional Protocol, the reports of States parties, documents prepared for the Committee, the Committee's concluding comments and other relevant information are posted on the site. Links between the Division's home page and other sites, including that of the Office of the United Nations High Commissioner for Human Rights, allow cross-reference to other pertinent documents.

VI. Technical assistance provided to States parties

25. The Division for the Advancement of Women conducted a subregional training workshop in support of the preparation of reports of States parties to be submitted to the Committee on the Elimination of Discrimination Against Women. The workshop, held at Auckland, New Zealand, from 13 to 15 February 2001, was organized in collaboration with the Government of New Zealand, the Secretariat of the Pacific Community, the office of the United Nations Development Programme (UNDP) in Fiji, and the Economic and Social Commission for Asia and the Pacific. The objective of the workshop, which was attended by representatives of 14 Pacific Island States, as well as representatives of non-governmental organizations, was to assist Governments in enhancing their knowledge and understanding of women's rights, to strengthen the capacity of governmental officials who are responsible for preparing reports under the Convention and for monitoring the progress made in its implementation to encourage States which have not yet done so to ratify the Convention, and to increase the awareness and capacity of representatives of non-governmental organizations and civil society with regard to the Convention. Further offers of technical support have been made to States contemplating ratification, and with regard to the fulfilment of reporting obligations.

Notes

¹ For the report of the Committee on its twenty-fourth session, see A/56/38 (Part I). The final report of the Committee on its twenty-fourth and twenty-fifth sessions will be issued as *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38).

VII. Dissemination of the Convention, its Optional Protocol and information on the work of the Committee

26. The Division for the Advancement of Women maintains a section on its home page on the Internet

Annex I

States parties which have signed, ratified, acceded or succeeded to the Convention on the Elimination of All Forms of Discrimination against Women, as at 1 August 2001

<i>State party</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>	<i>Date of entry into force</i>
Albania	11 May 1994 ^a	10 June 1994
Algeria	22 May 1996 ^{a b}	21 June 1996
Andorra	15 January 1997 ^a	14 February 1997
Angola	17 September 1986 ^a	17 October 1986
Antigua and Barbuda	1 August 1989 ^a	31 August 1989
Argentina	15 July 1985 ^b	14 August 1985
Armenia	13 September 1993 ^a	13 October 1993
Australia	28 July 1983 ^b	27 August 1983
Austria	31 March 1982 ^b	30 April 1982
Azerbaijan	10 July 1995 ^a	9 August 1995
Bahamas	6 October 1993 ^a	5 November 1993
Bangladesh	6 November 1984 ^{a b}	6 December 1984
Barbados	16 October 1980	3 September 1981
Belarus	4 February 1981 ^c	3 September 1981
Belgium	10 July 1985 ^b	9 August 1985
Belize	16 May 1990	15 June 1990
Benin	12 March 1992	11 April 1992
Bhutan	31 August 1981	30 September 1981
Bolivia	8 June 1990	8 July 1990
Bosnia and Herzegovina	1 September 1993 ^d	1 October 1993
Botswana	13 August 1996 ^a	12 September 1996
Brazil	1 February 1984 ^b	2 March 1984
Bulgaria	8 February 1982 ^c	10 March 1982
Burkina Faso	14 October 1987 ^a	13 November 1987

<i>State party</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>	<i>Date of entry into force</i>
Burundi	8 January 1992	7 February 1992
Cambodia	15 October 1992 ^a	14 November 1992
Cameroon	23 August 1994 ^a	22 September 1994
Canada	10 December 1981 ^c	9 January 1982
Cape Verde	5 December 1980 ^a	3 September 1981
Central African Republic	21 June 1991 ^a	21 July 1991
Chad	9 June 1995 ^a	9 July 1995
Chile	7 December 1989	6 January 1990
China	4 November 1980 ^b	3 September 1981
Colombia	19 January 1982	18 February 1982
Comoros	31 October 1994 ^a	30 November 1994
Congo	26 July 1982	25 August 1982
Costa Rica	4 April 1986	4 May 1986
Côte d'Ivoire	19 December 1995 ^a	17 January 1996
Croatia	9 September 1992 ^d	9 October 1992
Cuba	17 July 1980 ^b	3 September 1981
Cyprus	23 July 1985 ^{a b}	22 August 1985
Czech Republic ^e	22 February 1993 ^{c d}	24 March 1993
Democratic People's Republic of Korea	27 February 2001	29 March 2001
Democratic Republic of the Congo ^f	17 October 1986	16 November 1986
Denmark	21 April 1983	21 May 1983
Djibouti	2 December 1998 ^a	1 January 1999
Dominica	15 September 1980	3 September 1981
Dominican Republic	2 September 1982	2 October 1982
Ecuador	9 November 1981	9 December 1981
Egypt	18 September 1981 ^b	18 October 1981
El Salvador	19 August 1981 ^b	18 September 1981

<i>State party</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>	<i>Date of entry into force</i>
Equatorial Guinea	23 October 1984 ^a	22 November 1984
Eritrea	5 September 1995 ^a	5 October 1995
Estonia	21 October 1991 ^a	20 November 1991
Ethiopia	10 September 1981 ^b	10 October 1981
Fiji	28 August 1995 ^{a b}	27 September 1995
Finland	4 September 1986	4 October 1986
France	14 December 1983 ^{b c}	13 January 1984
Gabon	21 January 1983	20 February 1983
Gambia	16 April 1993	16 May 1993
Georgia	26 October 1994 ^a	25 November 1994
Germany ⁸	10 July 1985 ^b	9 August 1985
Ghana	2 January 1986	1 February 1986
Greece	7 June 1983	7 July 1983
Grenada	30 August 1990	29 September 1990
Guatemala	12 August 1982	11 September 1982
Guinea	9 August 1982	8 September 1982
Guinea-Bissau	23 August 1985	22 September 1985
Guyana	17 July 1980	3 September 1981
Haiti	20 July 1981	3 September 1981
Honduras	3 March 1983	2 April 1983
Hungary	22 December 1980 ^c	3 September 1981
Iceland	18 June 1985	18 July 1985
India	9 July 1993 ^b	8 August 1993
Indonesia	13 September 1984 ^b	13 October 1984
Iraq	13 August 1986 ^{a b}	12 September 1986
Ireland	23 December 1985 ^{a b c}	22 January 1986
Israel	3 October 1991 ^b	2 November 1991
Italy	10 June 1985 ^b	10 July 1985

<i>State party</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>	<i>Date of entry into force</i>
Jamaica	19 October 1984 ^b	18 November 1984
Japan	25 June 1985	25 July 1985
Jordan	1 July 1992 ^b	31 July 1992
Kazakhstan	26 August 1998 ^a	25 September 1998
Kenya	9 March 1984 ^a	8 April 1984
Kuwait	2 September 1994 ^a	2 October 1994
Kyrgyzstan	10 February 1997 ^a	12 March 1997
Lao People's Democratic Republic	14 August 1981	13 September 1981
Latvia	14 April 1992 ^a	14 May 1992
Lebanon	21 April 1997 ^{a b}	21 May 1997
Lesotho	22 August 1995 ^{a b}	21 September 1995
Liberia	17 July 1984 ^a	16 August 1984
Libyan Arab Jamahiriya	16 May 1989 ^{a b}	15 June 1989
Liechtenstein	22 December 1995 ^{a c}	21 January 1996
Lithuania	18 January 1994 ^a	17 February 1994
Luxembourg	2 February 1989 ^b	4 March 1989
Madagascar	17 March 1989	16 April 1989
Malawi	12 March 1987 ^{a c}	11 April 1987
Malaysia	5 July 1995 ^{a b}	4 August 1995
Maldives	1 July 1993 ^{a b}	31 July 1993
Mali	10 September 1985	10 October 1985
Malta	8 March 1991 ^{a b}	7 April 1991
Mauritania	10 May 2001	9 June 2001
Mauritius	9 July 1984 ^{a c}	8 August 1984
Mexico	23 March 1981 ^b	3 September 1981
Mongolia	20 July 1981 ^c	3 September 1981
Morocco	21 June 1993 ^{a b}	21 July 1993
Mozambique	16 April 1997 ^a	16 May 1997

<i>State party</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>	<i>Date of entry into force</i>
Myanmar	22 July 1997 ^{a b}	21 August 1997
Namibia	23 November 1992 ^a	23 December 1992
Nepal	22 April 1991	22 May 1991
Netherlands	23 July 1991 ^b	22 August 1991
New Zealand	10 January 1985 ^{b c}	9 February 1985
Nicaragua	27 October 1981	26 November 1981
Niger	8 October 1999 ^a	7 November 1999
Nigeria	13 June 1985	13 July 1985
Norway	21 May 1981	3 September 1981
Pakistan	12 March 1996 ^{a b}	11 April 1996
Panama	29 October 1981	28 November 1981
Papua New Guinea	12 January 1995 ^a	11 February 1995
Paraguay	6 April 1987 ^a	6 May 1987
Peru	13 September 1982	13 October 1982
Philippines	5 August 1981	4 September 1981
Poland	30 July 1980 ^c	3 September 1981
Portugal	30 July 1980	3 September 1981
Republic of Korea	27 December 1984 ^{b c}	26 January 1985
Republic of Moldova	1 July 1994 ^a	31 July 1994
Romania	7 January 1982 ^b	6 February 1982
Russian Federation	23 January 1981 ^c	3 September 1981
Rwanda	2 March 1981	3 September 1981
Saint Kitts and Nevis	25 April 1985 ^a	25 May 1985
Saint Lucia	8 October 1982 ^a	7 November 1982
Saint Vincent and the Grenadines	4 August 1981 ^a	3 September 1981
Samoa	25 September 1992 ^a	25 October 1992
Saudi Arabia	7 September 2000	7 October 2000
Senegal	5 February 1985	7 March 1985

<i>State party</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>	<i>Date of entry into force</i>
Seychelles	5 May 1992 ^a	4 June 1992
Sierra Leone	11 November 1988	11 December 1988
Singapore	5 October 1995 ^{a b}	4 November 1995
Slovakia ^c	28 May 1993 ^{c d}	27 June 1993
Slovenia	6 July 1992 ^d	5 August 1992
South Africa	15 December 1995 ^a	14 January 1996
Spain	5 January 1984 ^b	4 February 1984
Sri Lanka	5 October 1981	4 November 1981
Suriname	1 March 1993 ^a	31 March 1993
Sweden	2 July 1980	3 September 1981
Switzerland	27 March 1997 ^a	26 April 1997
Tajikistan	26 October 1993 ^a	25 November 1993
Thailand	9 August 1985 ^{a b c}	8 September 1985
The former Yugoslav Republic of Macedonia	18 January 1994 ^d	17 February 1994
Togo	26 September 1983 ^a	26 October 1983
Trinidad and Tobago	12 January 1990 ^b	11 February 1990
Tunisia	20 September 1985 ^b	20 October 1985
Turkey	20 December 1985 ^{a b}	19 January 1986
Turkmenistan	1 May 1997 ^a	31 May 1997
Tuvalu	6 October 1999 ^a	5 November 1999
Uganda	22 July 1985	21 August 1985
Ukraine	12 March 1981 ^c	3 September 1981
United Kingdom of Great Britain and Northern Ireland	7 April 1986 ^b	7 May 1986
United Republic of Tanzania	20 August 1985	19 September 1985
Uruguay	9 October 1981	8 November 1981
Uzbekistan	19 July 1995 ^a	18 August 1995

<i>State party</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>	<i>Date of entry into force</i>
Vanuatu	8 September 1995 ^a	8 October 1995
Venezuela	2 May 1983 ^b	1 June 1983
Viet Nam	17 February 1982 ^b	19 March 1982
Yemen ^h	30 May 1984 ^{a b}	29 June 1984
Yugoslavia	12 March 2001 ^d	
Zambia	21 June 1985	21 July 1985
Zimbabwe	13 May 1991 ^a	12 June 1991

^a Accession.

^b Declarations and reservations.

^c Reservation subsequently withdrawn.

^d Succession.

^e Before becoming separate States on 1 January 1993, the Czech Republic and Slovakia formed part of Czechoslovakia which had ratified the Convention on 16 February 1982.

^f Effective 17 May 1997, Zaire was renamed Democratic Republic of the Congo.

^g With effect from 3 October 1990, the German Democratic Republic (which ratified the Convention on 9 July 1980) and the Federal Republic of Germany (which ratified the Convention on 10 July 1985) united to form one sovereign State, which acts in the United Nations under the designation Germany.

^h On 22 May 1990, Democratic Yemen and Yemen merged to form a single State, which acts in the United Nations under the designation Yemen.

Annex II

States parties which have deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention, as at 1 August 2001

<i>State party</i>	<i>Date of acceptance</i>
Australia	4 June 1998
Austria	11 September 2000
Brazil	5 March 1997
Canada	3 November 1997
Chile	8 May 1998
Denmark	12 March 1996
Finland	18 March 1996
France	8 August 1997
Guatemala	3 June 1999
Italy	31 May 1996
Liechtenstein	15 April 1997
Madagascar	19 July 1996
Malta	5 March 1997
Mexico	16 September 1996
Mongolia	19 December 1997
Netherlands	10 December 1997 ^a
New Zealand	26 September 1996
Norway	29 March 1996
Panama	5 November 1996
Republic of Korea	12 August 1996
Sweden	17 July 1996
Switzerland	2 December 1997
Turkey	9 December 1999
United Kingdom of Great Britain and Northern Ireland	19 November 1997 ^b

^a For the Kingdom in Europe, the Netherlands Antilles and Aruba.

^b For the United Kingdom of Great Britain and Northern Ireland, the Isle of Man, the British Virgin Islands, and the Turks and Caicos Islands.

Annex III

Reservations made by States parties to the Convention between 1 August 2000 and 1 August 2001

Reservations made by the Democratic People's Republic of Korea

The Government of the Democratic People's Republic of Korea does not consider itself bound by the provisions of paragraph (f) of article 2, paragraph 2, of article 9, and paragraph 1 of article 29 [of the Convention].

Reservations made by Saudi Arabia

1. In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.
2. The Kingdom does not consider itself bound by paragraph 2 of article 9 of the Convention and paragraph 1 of article 29 of the Convention.

Annex IV

Objections to reservations to the Convention made between 1 August 2000 and 1 August 2001

Objection by Denmark to the reservation made by the Niger

[2 November 2000]

With regard to the reservations to article 2, paragraphs (d) and (f), article 5, paragraph (a), article 15, paragraph (4) and article 16, paragraph 1 (c), (e) and (g) made by the Niger upon accession:

The Government of Denmark finds that the reservations made by the Government of the Niger are not in conformity with the object and purpose of the Convention. The provisions in respect of which the Niger has made reservations cover fundamental rights of women and establish key elements for the elimination of discrimination against women. For this reason, the Government of Denmark objects to the said reservations made by the Government of the Niger.

The Convention remains in force in its entirety between the Niger and Denmark.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Government of the Niger to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

Objection by Finland to the reservation made by the Niger

[24 October 2000]

The Government of Finland notes that the reservations [...] are not in conformity with the object and purpose of the Convention. By acceding to the Convention, a State commits itself to adopting the measures required for the elimination of discrimination against women, in all its forms and manifestations. This includes taking appropriate measures, including

legislation, to modify or abolish customs and practices which constitute discrimination against women.

As it appears evident that the Government of the Niger will not apply the Convention with a view to fulfilling its treaty obligations to eliminate all forms of discrimination against women and submits reservations to some of the most essential provisions of the Convention, [its] reservations are in contradiction with the object and purpose of the Convention.

The Government of Finland recalls part VI, article 28 of the Convention, according to which reservations incompatible with object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of the Niger to the Convention.

This objection does not preclude the entry into force of the Convention between the Niger and Finland. The Convention will thus become operative between the two States without benefiting from the reservations.

Objection by France to the reservations made by Saudi Arabia

[26 June 2001]

The Government of the French Republic has examined the reservations made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979. By stating that in the case of contradiction between any term of the Convention and the norms of Islamic law it is not under obligation to observe the terms of the Convention, the Kingdom of Saudi Arabia formulates a reservation of general, indeterminate scope that gives the other States parties absolutely no idea which provisions of the Convention are affected or might be affected in future. The Government of the French Republic believes that the reservation could make the provisions of the Convention completely ineffective and therefore objects to it. The second reservation, concerning article 9, paragraph 2, rules out equality of rights between men and women with respect to the nationality of their children and the Government of the French Republic therefore objects to it.

These objections do not preclude the Convention's entry into force between Saudi Arabia and France. The reservation rejecting the means of dispute settlement provided for in article 29, paragraph 1, of the Convention is in conformity with the provisions of article 29, paragraph 2.

Objection by Germany to the reservations made by Saudi Arabia

[2 November 2000]

The Government of the Federal Republic of Germany is of the view that the reservation with regard to compatibility of the provisions of the Committee on the Elimination of Discrimination against Women with Islamic law, raises doubts as to the commitment of the Kingdom of Saudi Arabia to the Convention. The Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Convention.

The Government of the Federal Republic of Germany notes furthermore that the reservation to paragraph 2 of article 9 of the Convention aims to exclude one obligation of non-discrimination which is so important in the context of the Convention as to render this reservation contrary to the essence of the Convention.

The Government of the Federal Republic of Germany therefore objects to the aforesaid reservations made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of all Forms of Discrimination against Women.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Kingdom of Saudi Arabia.

Objection by Norway to the reservations made by the Niger

[1 November 2000]

The reservation concerns fundamental provisions of the Convention. Article 2 is the core provision as it outlines the measures which the State party is required to take in order to implement the Convention. The Convention can only be successfully implemented

when all measures prescribed by article 2 are taken. Most importantly, it is unclear how the Convention's substantive provisions will be implemented without adopting measures to modify or abolish existing discriminatory laws, regulations, customs and practices.

The Government of Norway considers the other elements of the reservation, with the exception of the reservation made to article 29, as incompatible with the object and purpose of the Convention. The relevant provisions cover fundamental rights of women or they outline key elements in order to abolish discrimination against women. Women will not have the opportunity to live on equal footing with men if these provisions are not implemented.

Further, it is the Norwegian Government's position that article 5, paragraph (b), covers both public and private family education.

The Government of Norway therefore objects to the reservations made by the Government of the Niger to the following provisions:

- Article 2, paragraphs (d) and (f);
- Article 5, paragraph (a);
- Article 15, paragraph 4;
- Article 16, paragraph 1 (c), (e) and (g).

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and the Niger. The Convention thus becomes operative between Norway and the Niger without the Niger benefiting from these reservations.

Objection by Spain to the reservations made by Saudi Arabia

[22 February 2001]

The Government of the Kingdom of Spain has examined the reservation made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women on [7] September 2000, regarding any interpretation of the Convention that may be incompatible with the norms of Islamic law and regarding article 9, paragraph 2.

The Government of the Kingdom of Spain considers that the general reference to Islamic law, without specifying its content, creates doubts among the other States parties about the extent to which the Kingdom of Saudi Arabia commits itself to fulfil its obligations under the Convention.

The Government of the Kingdom of Spain is of the view that such a reservation by the Government of the Kingdom of Saudi Arabia is incompatible with the object and purpose of the Convention, since it refers to the Convention as a whole and seriously restricts or even excludes its application on a basis as ill-defined as the general reference to Islamic law.

Furthermore, the reservation to article 9, paragraph 2, aims at excluding one of the obligations concerning non-discrimination, which is the ultimate goal of the Convention.

The Government of the Kingdom of Spain recalls that, according to article 28, paragraph 2, of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

Therefore, the Government of the Kingdom of Spain objects to the said reservations by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Kingdom of Saudi Arabia.

Objection by Spain to the reservations made by the Democratic People's Republic of Korea

[5 July 2001]

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

The Government of the Kingdom of Spain has examined the reservations made by the Government of the Democratic People's Republic of Korea to article 2, paragraph (f), and article 9, paragraph 2 of the Convention on the Elimination of All Forms of

Discrimination against Women, on 27 February 2001 in acceding to the Convention.

The Government of the Kingdom of Spain considers those reservations to be incompatible with the object and purpose of the Convention, since their intent is to exempt the Democratic People's Republic of Korea from committing itself to two essential elements of the Convention, one being the general requirement to take measures, including legislation, to eliminate all forms of discrimination against women (art. 2 (f)) and the other being the requirement to address a specific form of discrimination with respect to the nationality of children (art. 9 (2)).

The Government of the Kingdom of Spain recalls that, under article 28, paragraph 2 of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted.

Accordingly, the Government of the Kingdom of Spain objects to the above-mentioned reservations made by the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection does not prevent the Convention's entry into force between the Kingdom of Spain and the Democratic People's Republic of Korea.

Objection by Sweden to the reservations made by Saudi Arabia

[30 March 2001]

The Government of Sweden has examined the reservations made by the Government of the Kingdom of Saudi Arabia at the time of its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, as to any interpretation of the provisions of the Convention that is incompatible with the norms of Islamic law.

The Government of Sweden is of the view that this general reservation, which does not clearly specify the provisions of the Convention to which it applies and the extent of derogation therefrom, raises doubts as to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have been chosen to become parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes

necessary to comply with their obligations under the treaties. According to customary law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women.

This shall not preclude the entry into force of the Convention between the Kingdom of Saudi Arabia and the Kingdom of Sweden, without the Kingdom of Saudi Arabia benefiting from the said reservation.

Annex V

Communications received between 1 August 2000 and 1 August 2001

Communication received from France

[14 November 2000]

By indicating that it "expresses reservations" to article 2, paragraphs (d) and (f), article 5, paragraph (a), and article 16, paragraph 1 (c), (e) and (g), the Government of the Republic of the Niger is aiming completely to preclude the application of the provisions concerned. The reservation to article 15, paragraph 4, which seeks to deprive married women of the right to choose their residence and domicile, is contrary to the object and purpose of the Convention.

The general reservation relating to the provisions of article 2, paragraphs (d) and (f), article 5, paragraphs (a) and (b), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), seeks to ensure that domestic law, and even domestic practice and the current values of society, prevail in general over the provisions of the Convention. The provisions in question concern not only family relations but also social relations as a whole; in particular, article 2, paragraph (d), imposes an obligation on public authorities and institutions to comply with the ban on any act or practice of discrimination, and article 2, paragraph (f), establishes the obligation to take the appropriate measures, notably legislative measures, to prevent discrimination against women, including in relations between individuals. Because it ignores these obligations, the reservation is manifestly contrary to the object and purpose of the Convention.

The Government of the French Republic considers that the reservations to articles 2, 5, 15 and 16 completely vitiate the undertaking of the Republic of the Niger and are manifestly not authorized by the Convention; in consequence, it enters its objection to them.

[The Permanent Mission further adds] that the reservations of the Republic of the Niger, made on 8 October 1999, were notified by the Secretary-General of the United Nations on 2 November 1999 and received by the French Republic on 16 November 1999. In these circumstances, the French Republic is still able, as at this date and until 15 November 2000, to lodge an objection and the Secretary-General of the

United Nations cannot treat this act as a simple communication.

Communication received from the Netherlands

[6 December 2000]

The Government of the Kingdom of the Netherlands is of the view that these reservations, which seek to limit the obligations of the reserving State by invoking its national law, may raise doubts as to the commitment of the Niger to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.

The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of the Niger to the Convention on the Elimination of All Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Niger.

Annex VI

Withdrawals of reservations and declarations to the Convention between 1 August 2000 and 1 August 2001

Australia

[30 August 2000]

The Government of Australia having considered the reservations [made upon ratification], hereby withdraws that part of the reservation which states:

"The Government of Australia advises that it does not accept the application of the Convention in so far as it would require alteration of Defence Force policy which excludes women from combat and combat-related duties. The Government of Australia is reviewing this policy so as to more closely define 'combat' and 'combat-related duties'."

Austria

[11 September 2000]

On 11 September 2000, the Government of Austria informed the Secretary-General that it had decided to withdraw the reservation to article 7, paragraph (b), of the Convention, made upon ratification.

Annex VII

Reports of States parties considered by the Committee on the Elimination of Discrimination against Women between 1 August 2000 and 1 August 2001

Twenty-fourth session

Initial reports

Burundi
Kazakhstan
Maldives
Uzbekistan

Combined second, third and fourth periodic reports

Jamaica

Combined third and fourth periodic reports

Mongolia

Third periodic report and fourth periodic reports

Finland

Third periodic report and combined fourth and fifth periodic reports

Egypt

Twenty-fifth session

Initial reports

Andorra

Combined initial, second and third periodic reports

Guinea

Initial periodic report and second periodic report

Singapore

Second periodic report

Guyana

Second periodic report and third periodic report

Netherlands

Second periodic report and combined third and fourth periodic reports

Viet Nam

Fourth periodic report and fifth periodic report

Nicaragua

Sweden

Annex VIII

**Reports of States parties submitted but not yet considered
by the Committee on the Elimination of Discrimination
against Women, as at 1 August 2001**

<i>State party</i>	<i>Date received</i>	<i>Document symbol</i>
Initial reports		
Costa Rica	10 July 2001	CEDAW/C/CRI/1
Fiji	29 February 2000	CEDAW/C/FJI/1
Combined initial, second and third periodic reports		
Estonia	14 June 2001	CEDAW/C/EST/1-3
Trinidad and Tobago	23 January 2001	CEDAW/C/TTO/1-3
Second periodic reports		
Armenia	23 August 1999	CEDAW/C/ARM/2
Czech Republic	10 March 2000	CEDAW/C/CZE/2
Libyan Arab Jamahiriya	14 December 1998	CEDAW/C/LBY/2
Morocco	29 February 2000	CEDAW/C/MOR/2
Slovenia	26 April 1999	CEDAW/C/SVN/2
Combined second and third periodic reports		
Equatorial Guinea	6 January 1994	CEDAW/C/GNQ/2-3
Uruguay	8 February 1999	CEDAW/C/URY/2-3
Third periodic reports		
France	5 October 1999	CEDAW/C/FRA/3
Uganda	22 May 2000	CEDAW/C/UGA/3
Combined third and fourth periodic reports		
Belgium	29 September 1998	CEDAW/C/BEL/3-4
El Salvador	26 July 2001	CEDAW/C/SLV/3-4
Guatemala	20 March 2001	CEDAW/C/GUA/3-4
Iceland	15 July 1998	CEDAW/C/ICE/3-4
Kenya	5 January 2000	CEDAW/C/KEN/3-4
Sri Lanka	7 October 1999	CEDAW/C/LKA/3-4
Tunisia	27 July 2000	CEDAW/C/TUN/3-4
Zambia	12 August 1999	CEDAW/C/ZAM/3-4

<i>State party</i>	<i>Date received</i>	<i>Document symbol</i>
Fourth periodic reports		
Argentina	18 January 2000	CEDAW/C/ARG/4
Barbados	24 November 2000	CEDAW/C/BAR/4
Denmark	9 January 1997	CEDAW/C/DEN/4
Japan	24 July 1998	CEDAW/C/JPN/4
Portugal	23 November 1999	CEDAW/C/PRT/4
Yemen	8 March 2000	CEDAW/C/YEM/4
Combined fourth and fifth periodic reports		
Greece	19 April 2001	CEDAW/C/GRC/4-5
Hungary	19 September 2000	CEDAW/C/HUN/4-5
Ukraine	2 August 1999	CEDAW/C/UKR/4-5
Fifth periodic reports		
Denmark	13 June 2000	CEDAW/ C/DEN/5
El Salvador	26 July 2001	CEDAW/C/SLV/5
Mexico	1 December 2000	CEDAW/C/MEX/5
Norway	23 March 2000	CEDAW/C/NOR/5
Peru	21 July 2000	CEDAW/C/PER/5
Portugal	13 June 2001	CEDAW/C/PRT/5
Russian Federation	3 March 1999	CEDAW/C/USR/5

Annex IX

**Reports of States parties due but not yet submitted to the
Committee on the Elimination of Discrimination against
Women, as at 1 August 2001**

<i>State party</i>	<i>Date due</i>
Initial reports	
Albania	10 June 1995
Angola	17 October 1987
Bahamas	5 November 1994
Benin	11 April 1993
Bhutan	30 September 1982
Bosnia and Herzegovina	1 October 1994
Botswana	12 September 1997
Brazil	2 March 1985
Cambodia	14 November 1993
Cape Verde	3 September 1982
Central Africa	21 July 1992
Chad	9 July 1996
Comoros	30 November 1995
Congo	25 August 1983
Côte d'Ivoire	17 January 1997
Djibouti	2 January 2000
Dominica	3 September 1982
Eritrea	5 October 1996
Gambia	16 May 1994
Grenada	29 September 1991
Guinea-Bissau	22 September 1986
Haiti	3 September 1982
Kuwait	2 October 1995
Lao People's Democratic Republic	13 September 1982
Latvia	14 May 1993
Lebanon	21 May 1998
Lesotho	21 September 1996
Liberia	16 August 1985
Malaysia	4 August 1996
Malta	7 April 1992
Mozambique	16 May 1998
Niger	8 November 2000
Pakistan	11 April 1997
Papua New Guinea	11 February 1996
Saint Kitts and Nevis	25 May 1986
Saint Lucia	7 November 1983
Samoa	25 October 1993
Seychelles	4 June 1993
Sierra Leone	11 December 1989
Suriname	31 March 1994
Switzerland	26 April 1998

<i>State party</i>	<i>Date due</i>
Tajikistan	25 October 1994
The former Yugoslav Republic of Macedonia	17 February 1995
Togo	26 October 1984
Turkmenistan	31 May 1998
Tuvalu	6 November 2000
Vanuatu	8 October 1996

Second periodic reports

Albania	10 June 1999
Algeria	21 June 2000
Angola	17 October 1991
Azerbaijan	9 August 2000
Bahamas	5 November 1998
Benin	11 April 1997
Bhutan	30 September 1986
Bolivia	8 July 1995
Bosnia and Herzegovina	1 October 1998
Brazil	2 March 1989
Burundi	7 February 1997
Cambodia	14 November 1997
Cameroon	22 September 1999
Cape Verde	3 September 1986
Central African Republic	21 July 1996
Chad	9 July 2000
Comoros	30 November 1999
Congo	25 August 1987
Costa Rica	4 May 1991
Côte d'Ivoire	17 January 2001
Croatia	9 October 1997
Dominica	3 September 1986
Fiji	27 September 2000
Gabon	20 February 1988
Gambia	16 May 1998
Georgia	25 November 1999
Grenada	29 September 1995
Guinea-Bissau	22 September 1990
Haiti	3 September 1986
India	8 August 1998
Kuwait	2 October 1999
Lao People's Democratic Republic	13 September 1986
Latvia	14 May 1997
Lesotho	21 September 2000
Liberia	16 August 1989
Liechtenstein	21 January 2001
Madagascar	16 April 1994
Malawi	11 April 1992
Malaysia	4 August 2000

<i>State party</i>	<i>Date due</i>
Maldives	1 July 1998
Mali	10 October 1990
Malta	7 April 1996
Namibia	23 December 1997
Nepal	22 May 1996
Pakistan	11 April 2001
Papua New Guinea	11 February 2000
Republic of Moldova	31 July 1999
Saint Kitts and Nevis	25 May 1990
Saint Lucia	7 November 1987
Samoa	25 October 1997
Seychelles	4 June 1997
Sierra Leone	11 December 1993
Slovakia	27 June 1998
South Africa	14 January 2001
Suriname	31 March 1998
Tajikistan	25 October 1998
The former Yugoslav Republic of Macedonia	17 February 1999
Togo	26 October 1988
Trinidad and Tobago	11 February 1995
Uzbekistan	18 August 2000
Vanuatu	8 October 2000
Zimbabwe	12 June 1996
Third periodic reports	
Angola	17 October 1995
Belize	15 June 1999
Benin	11 April 2001
Bhutan	30 September 1990
Bolivia	7 July 1999
Brazil	2 March 1993
Burundi	7 February 2001
Cape Verde	3 September 1990
Central African Republic	21 July 2000
Congo	25 August 1991
Costa Rica	4 May 1995
Cyprus	22 August 1994
Czech Republic	24 March 2001
Dominica	3 September 1990
Gabon	20 February 1992
Ghana	1 February 1995
Grenada	29 September 1999
Guinea-Bissau	22 September 1994
Guyana	3 September 1990
Haiti	3 September 1990
Israel	2 November 2000
Jordan	31 July 2001

<i>State party</i>	<i>Date due</i>
Lao People's Democratic Republic	13 September 1990
Latvia	14 May 2001
Liberia	16 August 1993
Libyan Arab Jamahiriya	15 June 1998
Madagascar	16 April 1998
Malawi	11 April 1996
Mali	10 October 1994
Malta	7 April 2000
Mauritius	8 August 1993
Nepal	22 May 2000
Paraguay	6 May 1996
Saint Kitts and Nevis	25 May 1994
Saint Lucia	7 November 1991
Senegal	7 March 1994
Seychelles	4 June 2001
Sierra Leone	11 December 1997
Togo	26 October 1992
Trinidad and Tobago	11 February 1999
Zimbabwe	12 June 2000

Fourth periodic reports

Angola	17 October 1999
Australia	27 August 1996
Belarus	3 September 1994
Bhutan	30 September 1994
Brazil	2 March 1997
Bulgaria	10 March 1995
Burkina Faso	13 November 2000
Cape Verde	3 September 1994
Congo	25 August 1995
Costa Rica	4 May 1999
Cyprus	22 August 1998
Democratic Republic of the Congo	16 November 1999
Dominica	3 September 1994
Ecuador	9 December 1994
Equatorial Guinea	22 November 1997
Ethiopia	10 October 1994
France	13 January 1997
Gabon	20 February 1996
Ghana	1 February 1999
Guinea	8 September 1995
Guinea-Bissau	22 September 1998
Guyana	3 September 1994
Haiti	3 September 1994
Honduras	2 April 1996
Indonesia	13 October 1997
Iraq	12 September 1999

<i>State party</i>	<i>Date due</i>
Ireland	22 January 1999
Italy	10 July 1998
Lao People's Democratic Republic	13 September 1994
Liberia	16 August 1997
Malawi	11 April 2000
Mali	10 October 1998
Mauritius	8 August 1997
Nigeria	13 July 1998
Panama	28 November 1994
Paraguay	6 May 2000
Poland	3 September 1994
Rwanda	3 September 1994
Saint Kitts and Nevis	25 May 1998
Saint Lucia	7 November 1995
Saint Vincent and the Grenadines	3 September 1994
Senegal	7 March 1998
Thailand	8 September 1998
Togo	26 October 1996
Turkey	19 January 1999
Turkmenistan	31 May 2000
Uganda	21 August 1998
United Republic of Tanzania	19 September 1998
Uruguay	8 November 1994
Venezuela	1 June 1996

Fifth periodic reports

Australia	27 August 2000
Barbados	3 September 1999
Belarus	3 September 1998
Bhutan	30 September 1998
Brazil	2 March 2001
Bulgaria	10 March 1999
Canada	9 January 1999
Cape Verde	3 September 1998
China	3 September 1998
Columbia	18 February 1999
Congo	25 August 1999
Cuba	3 September 1998
Dominica	3 September 1998
Dominican Republic	2 September 1999
Ecuador	9 December 1998
Ethiopia	10 October 1998
France	31 January 2001
Gabon	20 February 2000
Guatemala	11 September 1999
Guinea	8 September 1999
Guyana	3 September 1998
Haiti	3 September 1998

<i>State party</i>	<i>Date due</i>
Honduras	2 April 2000
Kenya	8 April 2001
Lao People's Democratic Republic	13 September 1998
Mongolia	3 September 1998
Panama	28 November 1998
Philippines	4 September 1998
Poland	3 September 1998
Rwanda	3 September 1998
Saint Lucia	7 November 1999
Saint Vincent and the Grenadines	3 September 1998
Spain	4 February 2001
Sri Lanka	4 November 1998
Togo	26 October 2000
Uruguay	8 November 1998
Venezuela	1 June 2000
Viet Nam	19 March 1999
Yemen	29 June 2001

Annex X

**States parties which have signed, ratified or acceded to the
Optional Protocol to the Convention on the Elimination of
All Forms of Discrimination against Women, as at
1 August 2001**

<i>State party</i>	<i>Date signed</i>	<i>Ratification, accession</i>
1. Andorra	9 July 2001	
2. Argentina	28 February 2000	
3. Austria	10 December 1999	6 September 2000
4. Azerbaijan	6 June 2000	1 June 2001
5. Bangladesh ^a	6 September 2000	6 September 2000
6. Belgium	10 December 1999	
7. Benin	25 May 2000	
8. Bolivia	10 December 1999	27 September 2000
9. Bosnia and Herzegovina	7 September 2000	
10. Brazil	13 March 2001	
11. Bulgaria	6 June 2000	
12. Chile	10 December 1999	
13. Colombia	10 December 1999	
14. Costa Rica	10 December 1999	
15. Croatia	5 June 2000	7 March 2001
16. Cuba	17 March 2000	
17. Cyprus	8 February 2001	
18. Czech Republic	10 December 1999	26 February 2001
19. Denmark	10 December 1999	31 May 2000
20. Dominican Republic	14 March 2000	
21. Ecuador	10 December 1999	
22. El Salvador	4 April 2001	
23. Finland	10 December 1999	29 December 2000
24. France	10 December 1999	9 June 2000
25. Germany	10 December 1999	
26. Ghana	24 February 2000	
27. Greece	10 December 1999	
28. Guatemala	7 September 2000	
29. Guinea-Bissau	12 September 2000	
30. Hungary		22 December 2000
31. Iceland	10 December 1999	6 March 2001
32. Indonesia	28 February 2000	
33. Ireland	7 September 2000	7 September 2000
34. Italy	10 December 1999	22 September 2000

<i>State party</i>	<i>Date signed</i>	<i>Ratification, accession</i>
35. Kazakhstan	6 September 2000	
36. Lesotho	6 September 2000	
37. Liechtenstein	10 December 1999	
38. Lithuania	8 September 2000	
39. Luxembourg	10 December 1999	
40. Madagascar	7 September 2000	
41. Malawi	7 September 2000	
42. Mali		5 December 2000
43. Mexico	10 December 1999	
44. Mongolia	7 September 2000	
45. Namibia	19 May 2000	26 May 2000
46. Netherlands	10 December 1999	
47. New Zealand	7 September 2000	7 September 2000
48. Nigeria	8 September 2000	
49. Norway	10 December 1999	
50. Panama	9 June 2000	9 May 2001
51. Paraguay	28 December 1999	14 May 2001
52. Peru	22 December 2000	9 April 2001
53. Philippines	21 March 2000	
54. Portugal	16 February 2000	
55. Romania	6 September 2000	
56. Russian Federation	8 May 2001	
57. Sao Tome and Principe	6 September 2000	
58. Senegal	10 December 1999	26 May 2000
59. Sierra Leone	8 September 2000	
60. Slovakia	5 June 2000	17 November 2000
61. Slovenia	10 December 1999	
62. Spain	14 March 2000	6 July 2001
63. Sweden	10 December 1999	
64. Tajikistan	7 September 2000	
65. Thailand	14 June 2000	14 June 2000
66. The former Yugoslav Republic of Macedonia	3 April 2000	
67. Turkey	8 September 2000	
68. Ukraine	7 September 2000	
69. Uruguay	9 May 2000	26 July 2001
70. Venezuela	17 March 2000	

^a *Declaration.* The Government of the People's Republic of Bangladesh declared, in accordance with article 10, paragraph 1, of the Optional Protocol, that it would not undertake the obligations arising out of articles 8 and 9 thereof.



General Assembly

Distr.: General
4 September 2001

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Fifty-sixth session

Item 124 of the provisional agenda*

Advancement of women

Violence against women migrant workers

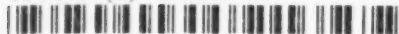
Report of the Secretary-General**

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I. Introduction

1. In its resolution 54/138 of 17 December 1999, on violence against women migrant workers, the General Assembly recalled all previous such resolutions adopted by it, the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Declaration on the Elimination of Violence against Women, and reaffirmed the outcome of recent world conferences, particularly with respect to violence against women migrant workers.

2. The Assembly made a number of recommendations to Governments and Member States, in particular to countries of origin and destination, calling on them to strengthen further their national efforts to protect and promote the rights and welfare of women migrant workers, including sustained bilateral, regional, interregional and international cooperation, by developing strategies and joint action and taking into account the innovative approaches and experiences of individual Member States. It called on Governments to support and allocate appropriate resources for programmes aimed at strengthening preventive action, in particular information for relevant target groups, education and campaigns to increase public awareness of the issue at the national and grass-roots levels, in cooperation with non-governmental organizations. Governments and Member States were encouraged to adopt appropriate measures to inform women migrant workers of their rights and the benefits to which they were entitled; put in place penal and criminal sanctions to punish the perpetrators of violence against women migrant workers; and, to the extent possible, provide, and encourage non-governmental organizations to provide, victims of violence with the full range of immediate assistance and protection, such as counselling, legal and consular assistance, temporary shelter and other measures, that would allow them to be present during the judicial process, and to establish reintegration and rehabilitation schemes for women migrant workers returning to their countries of origin; support training programmes for law enforcers, prosecutors and service providers to ensure the delivery of proper and professional interventions for women migrant workers who are subjected to abuse and violence; adopt measures or strengthen existing ones to regulate the recruitment and deployment of women migrant workers, including considering the adoption of appropriate legal measures against

intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers.

3. The Assembly also called on Governments to develop appropriate national data-collection methodologies that will generate comparable data on violence against women migrant workers as bases for research and analyses on the subject and suggested that Governments avail themselves of the expertise of the United Nations, including the Statistics Division of the Secretariat and other relevant bodies, such as the International Research and Training Institute for the Advancement of Women (INSTRAW). The Assembly encouraged Member States to consider ratifying and complying with International Labour Organization conventions and to sign and ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926.

4. The Assembly requested the Secretary-General to submit to it at its fifty-sixth session a report on the problem of violence against women migrant workers and on the implementation of its resolution 54/138, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization (ILO), the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM), INSTRAW, the International Organization for Migration (IOM), and other relevant sources, including non-governmental organizations.

5. The present report is submitted in accordance with that request based, *inter alia*, on reports received from Member States, United Nations organizations, intergovernmental entities and non-governmental organizations.

II. Background

6. Since the adoption of General Assembly resolution 54/138, and the most recent report of the Secretary-General on the issue of violence against women migrant workers,¹ the subject of migration, and migration for work, has continued to receive attention at national, regional and international levels. Besides the Assembly,² several of the functional commissions of the Economic and Social Council, including the Commissions on the Status of Women and on Human

Rights,³ have adopted resolutions on migration and the particular vulnerabilities of women migrant workers. A number of the special procedures of the Commission on Human Rights, including the Special Rapporteur on violence against women, have devoted significant attention to migration issues, and the Special Rapporteur on the human rights of migrants, appointed by the Commission in 1999,⁴ has reported twice. The Subcommission on the Protection and Promotion of Human Rights has also designated a Special Rapporteur to report on the human rights of non-citizens,⁵ a significant number of whom are migrant workers. The situation of migrants, including women migrant workers, was also addressed during preparations for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance. For example, the Asia Pacific Seminar of Experts (5-7 September 2000, Bangkok, Thailand) was concerned with migrants and trafficking in persons, with particular reference to women and children. The seminar made various recommendations with respect to labour and migration laws, protection to migrant workers, and education, sensitization and capacity-building for educators, social workers, the judiciary and the police. The issue has also attracted the scrutiny of national and international non-governmental organizations.⁶

7. Focus on migration issues has been accompanied by increased attention to the problem of trafficking in women and children and to the interface between migration and trafficking. The report of the Special Rapporteur on violence against women to the fifty-sixth session of the Commission on Human Rights⁷ explored the interface and the vulnerabilities faced by women migrant workers and trafficked women, pointing to the fact that women who seek to migrate for work may fall victim to traffickers, both in countries of origin and of destination. The Special Rapporteur also indicated that women migrant workers are frequently concentrated in the informal sector, where they often receive low wages, work long hours and have little or no job security and limited right to social benefits. She also drew attention to the fact that women migrant workers frequently have limited access to legal remedies in cases of discrimination and exploitation and may find themselves criminalized in cases where they themselves are victims of crime.

8. The problem of trafficking in women and children, the subject of the Protocol to Prevent,

Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly on 15 November 2000,⁸ will be addressed in a report to the Assembly at its fifty-seventh session in 2002.

III. Measures taken by Member States

9. As of 20 August 2001, 15 Member States⁹ had responded to the Secretary-General's request for information on the issue of violence against women migrant workers, including information on the implementation of General Assembly resolution 54/138. Information on the activities of Member States is also contained in the report of the Secretary-General on violence against women migrant workers submitted to the Commission on Human Rights at its fifty-sixth session.¹⁰

Statistical data and information

10. Mexico provided statistical data on the numbers of women who had emigrated to the United States of America, and Peru reported that out of 754 migrant workers who were formally registered in 2001, 133 were women. Costa Rica estimated that foreign migrants amounted to 10 per cent of the country's total population, with the majority of migrant domestic workers coming from Nicaragua. Between January and May 2001, 106 women migrant workers had been registered in El Salvador, and no complaints of mistreatment were filed. The Russian Federation reported that 15,374 women had left that country for temporary work via state-controlled channels from 1995 to 2000. During that period, no reports of abuse against women migrant workers were received. Similarly, Peru indicated that there were no reports on violence against women migrant workers. However, Germany pointed to the fact that there was a lack of data on violence against women migrant workers.

Forms of violence

11. Mexico noted that women migrant workers were vulnerable to physical and/or psychological violence, racism, xenophobia and other forms of discrimination. In situations where women migrant workers were

abused within their own families, women were often afraid to report the violence for fear of losing their partner's support in legalizing their status or for fear of deportation. Mexico also reported that women migrant workers were subject to violations of their rights by border-patrol officials, including battering, rape and kidnapping. Six women died in 2001 while attempting to cross the border between Mexico and the United States. Costa Rica indicated that the fact that many women migrant workers were undocumented made them vulnerable to abuse, including sexual harassment and sexual violence. Kuwait acknowledged that there might be rare cases of violence against women migrant workers but that every act of violence against women migrant workers was considered to be a violation of human rights. Costa Rica indicated that women migrant workers were frequently fearful of lodging formal complaints against employers and others and often tolerated harassment and violence. They were also less likely to make use of the health care system, except in cases of emergency. A recent study in Costa Rica revealed that adolescent migrant workers were unaware of their rights, which made them particularly vulnerable to abuse.

Legal measures

International obligations

12. On 20 August 2001, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which requires the ratification or accession of 20 States parties¹¹ in order to enter into force, had been ratified or acceded to by 16 States parties.¹² Of the Member States reporting, Mexico and the Philippines had ratified the Convention. Several States also reported on their adherence to other international and regional human rights instruments, which contain provisions relevant to women migrant workers.

Domestic legal measures

13. Kuwait has established, under a ministerial decree, a human rights committee in the Ministry of the Interior to handle complaints by women migrant workers and promulgated a law on the regulation and licensing of agencies for the placement of servants. Although the Constitution and the Criminal Procedure Code already guarantee the right to take legal action, a new Labour Code is being drafted which will safeguard

workers' rights and provide them with further legal and financial guarantees. Malaysia reported that the police department is responsible for handling cases of abuse of workers and noted that employers have been prosecuted for abuse of employees, including women migrant workers. Costa Rica described legal provisions regulating the status of migrant workers, including provisions in the Labour Code and the General Law on Immigration and Nationality. Costa Rica indicated, however, that while work permits function as the major mechanism to monitor and ensure migrant workers' rights, a high number of undocumented workers, who continue to work for low wages in precarious employment conditions, were present in the country. Most work permits are granted for work in the domestic and agricultural sectors, which, however, does not exclude the illegal hiring of migrants. Peru reported that in July 2001, it adopted a five-year National Plan against Violence against Women for the period 2002-2007, which provides intersectoral strategies to prevent, punish and eliminate violence against women. No specific regulations relating to migrant workers exist in El Salvador, where the Constitution provides that aliens are subject to the same laws and rights as Salvadoran nationals from the moment they enter the country and where provisions of the Labour Code and the Penal Code are applied in cases of violence against women migrant workers.

14. Qatar noted that non-immigrant alien women workers, including domestic workers, enter the country legally under contracts approved by the competent authorities and reside in the country temporarily. A number of legal measures on migration issues are being developed by the Russian Federation, which will apply to foreign nationals working in the country and to Russian citizens seeking employment abroad. The measures will address forced migration and the regulation of migration, with a view to improving the demographic and socio-economic situation in the country. Antigua and Barbuda indicated that migrant workers enjoy the same rights as citizens, except the right to vote, and are able to obtain citizenship after the completion of residency requirements. Algeria noted that its Penal Code applies to all forms of violence against women, including that directed against women migrant workers, provided that they reside legally in the country.

15. In the Philippines, the Migrant Workers Act has been amended to address the procurement of mail order

brides via the Internet. The Act establishes a high standard of protection for, and promotion of, the welfare of migrant workers and includes penalties for illegal recruitment. It also regulates travel advice and information dissemination campaigns for such workers and establishes a shared information system among government agencies. The Commission on Filipinos Overseas has set up a case monitoring system to document and monitor cases of Filipinos overseas who have asked for assistance. In addition, strict administrative measures have been instituted with respect to the selection of destination countries and employment for migrant workers in order to minimize the risk of exploitation. Protective mechanisms on documentation and deployment of women migrant workers have also been instituted.

16. Germany noted that its Law on the Indemnification of Victims of Violent Acts provides that individuals, including migrants, can claim damages resulting from a wilful, unlawful assault and that such persons are eligible for benefits. A new law passed in Greece provides that foreigners who have been accepted as migrants for reasons of family reunification can obtain an independent right to a Greek residence permit if they are victims of domestic violence.

17. Georgia indicated that a law on labour migration was being drafted. In addition to being bound by the European Community's norms concerning discrimination and equal treatment in employment and occupation, Finland has created the position of a discrimination ombudsman as of September 2001, whose mandate will include intervention in cases of discrimination against women migrant workers.

Other measures of support

18. Mexico provided information on efforts to provide support to its nationals abroad, indicating that support and legal advice are provided through a network of consulates in the United States, and border liaison mechanisms have been established to address issues facing communities residing on both sides of the Mexican/United States border. A number of border repatriation agreements have been signed by both Mexican and United States immigration authorities. The Philippines noted that a repatriation fund is now available to assist migrant workers who have left their jobs to escape violence and abuse. Costa Rica indicated

that the national mechanisms available for lodging of complaints by migrant workers lack human and financial resources.

19. In Mexico in 1995, the National Migration Institute established a national programme for the protection of migrants, which created border groups for the protection of migrants; disseminated information on the rights and obligations of migrants; trained immigration personnel; and strengthened consultation mechanisms between the United States and several countries in Central America. Kuwait indicated that measures have been taken by the Government to ensure that women workers enjoy their rights. They include advocacy activities with employers and the development of contracts of employment that ensure a regulated relationship between employer and employee. The Kuwaiti Ministry of the Interior has established a Department of Domestic Service to monitor respect for the rights of women migrant workers, inspect placement services and report violations to the relevant authorities for legal action. Greece has established reception centres for women victims of violence and about 70 medico-social centres exist throughout the country, providing free services to non-insured persons, including immigrants. In Costa Rica, non-governmental organizations provide assistance and services, including temporary shelter and telephone hotlines, to women migrant workers and cooperate with state agencies to raise awareness among employers on their obligations towards domestic employees.

Prevention strategies

20. Since 1998, the Commission on Filipinos Overseas has instituted programmes geared towards the prevention of violence against women migrant workers. These include nationwide public information and community education programmes, pre-departure and post-arrival orientation services, including skill-specific training. Educational modules on international migration and development have been produced and included in social studies courses in elementary and secondary schools; educational specialists have been trained in the application of the modules in public schools. It is planned to extend the teaching of migration to the college level. An inter agency task force against illegal recruitment has been convened to assist in the recognition of potentially abusive

situations before migrant workers leave the country. The computerized Migrants Advisory Information System in the Philippines contains information on migration, and the Sponsor's Watchlist Information System identifies foreign employers who have been reported for violence and/or abuse against migrant workers. Mexico noted that its Ministry of the Interior has produced a pocket guide on the human rights of migrants, which informs migrants, irrespective of their legal status, of their rights and obligations while in Mexico. Finland's Ministry of Labour is financing extensive research into discrimination in employment against ethnic minorities and immigrants.

Bilateral and international cooperation

21. Georgia highlighted the need for international regulations and cooperation to safeguard the rights of women migrant workers. Kuwait and Qatar have concluded a number of bilateral agreements with countries of origin of migrant workers with a view to regulating the employment of workers.

IV. Measures taken within the United Nations system

22. Since the fifty-fourth session of the General Assembly, a number of intergovernmental bodies of the United Nations system have undertaken further work with respect to violence against women migrant workers. Their activities are summarized below. Notably, in the United Nations Millennium Declaration,¹³ adopted by the General Assembly at its fifty-fifth session, Member States pledged, *inter alia*, to combat all forms of violence against women, implement the Convention on the Elimination of All Forms of Discrimination against Women, and take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families.

A. Twenty-third special session of the General Assembly

23. At its twenty-third special session, in June 2000 on "Women 2000: gender equality, development and peace for the twenty-first century", the General Assembly identified further actions and initiatives to

implement the Beijing Declaration and Platform for Action, several of which touched on the situation of violence against women migrant workers. The outcome document acknowledged that some women and girls continued to encounter barriers to justice and the enjoyment of their human rights because of a variety of factors, including their status as women migrant workers. Governments, regional and international organizations, including the United Nations system, and financial institutions and other actors were called upon to take urgent and effective measures to develop an international consensus on indicators and ways to measure violence against women. They were also called upon to consider establishing a readily accessible database on statistics, legislation, training models, good practices, lessons learned and other resources with regard to all forms of violence against women, including women migrant workers; to pursue and support national, regional and international strategies to reduce the risk to women migrant workers of becoming victims of trafficking; to promote and protect the human rights of all migrant women and implement policies to address the specific needs of documented migrant women and, where necessary, to tackle the existing inequalities between men and women migrants to ensure gender equality.¹⁴

B. Twenty-sixth special session of the General Assembly

24. At its twenty-sixth special session, in June 2001, in the General Assembly, addressing the problem of HIV/AIDS, called on Governments to develop and begin to implement by 2005 national, regional and international strategies that would facilitate HIV/AIDS prevention programmes for migrants and mobile workers, including the provision of information on health and social services.

C. Commission on the Status of Women

25. At its forty-fifth session in 2001,¹⁵ the Commission adopted agreed conclusions on gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance. Member States were called upon to review and revise, as appropriate, emigration policies with a view to eliminating all discriminatory policies and practices against migrants, especially women and children, to

protect fully their human rights, regardless of their legal status, and to provide them with humane treatment. Governments were asked to consider signing, ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority and to consider ratification of the relevant conventions of the International Labour Organization. In order to facilitate a change of attitude and the elimination of stereotypes and prejudice, Governments were called upon to develop anti-racist and gender-sensitive human rights training for personnel in the administration of justice, law enforcement agencies, security and health-care services, schools and migration authorities, paying particular attention to immigration officials, border police and staff of migrant detention centres as well as United Nations personnel.

D. Commission on Human Rights

26. At its fifty-sixth session, in 2000, the Commission on Human Rights adopted resolution 2000/54 on violence against women migrant workers in which, *inter alia*, it reiterated several aspects of General Assembly resolution 54/138, in which the Assembly called upon concerned Governments, particularly those of countries of origin and destination, to put in place penal sanctions to punish perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelters and other measures that would allow them to be present during the judicial process, to safeguard their dignified return to the country of origin, and to establish reintegration and rehabilitation schemes for returning women migrant workers. All States concerned were invited to consider adopting appropriate legal measures against intermediaries who deliberately encouraged the clandestine movement of workers and who exploited women migrant workers. The Commission requested the Secretary-General to submit to it at its fifty-eighth session a comprehensive report on the issue.

27. At its fifty-seventh session, in 2001, the Commission adopted resolution 2001/52 on the human rights of migrants, in which it welcomed the renewed commitment made in the United Nations Millennium

Declaration to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families. States were called upon to consider reviewing and, where necessary, revising immigration policies in order to eliminate all discriminatory policies and practices against migrants. The Commission reiterated the need for all States to protect fully the universally recognized human rights of migrants, especially those of women and children, regardless of their legal status, and to treat them humanely, particularly with regard to assistance and protection. It also took note of Advisory Opinion OC-16/99 of 1 October 1999, issued by the Inter-American Court of Human Rights, on the right to information on consular assistance in the framework of the guarantees of due process of law in the case of foreign nationals detained by the authorities of a receiving State. The Commission also adopted resolution 2001/53 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and resolution 2001/56 on the protection of migrants and their families. In resolution 2001/53 it urged countries to ensure that police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families and called upon Member States to consider signing and ratifying or acceding to the Convention. In resolution 2001/56 it addressed concerns with respect to migration generally but made no specific reference to violence against women migrant workers.

28. In its resolution 2001/5 on racism, racial discrimination, xenophobia and related intolerance, the Commission called upon all States to review and, where necessary, revise their immigration policies that were inconsistent with international human rights instruments, with a view to eliminating all discriminatory policies and practices against migrants. It also recommended that special attention be accorded during the World Conference against Racism — and especially in its outcome — to the situation of migrants.

E. Special Rapporteur on the human rights of migrants

29. In her report¹⁶ to the fifty-seventh session of the Commission on Human Rights, the Special Rapporteur highlighted the situation of migrant women and, in

particular, of women heads of household who seek work elsewhere in order to help raise their children. She indicated that their feelings of being uprooted and lonely made them easy prey for agents of organized crime and smuggling who often led them into situations of detention, bondage, and degrading and slave labour. The Special Rapporteur raised similar issues in her report to the Commission at its fifty-sixth session (E/CN.4/2000/82).

30. The Special Rapporteur addressed a number of appeals on behalf of women to Member States on particular situations where women migrant workers have been subject to abuse. For example, the Special Rapporteur intervened, jointly with the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on extrajudicial, summary or arbitrary executions, on behalf of an Indonesian migrant worker in the United Arab Emirates,¹⁷ who had been sentenced to death. The Special Rapporteur received information from the Government that the woman had been released and returned to Indonesia.

31. During her visit to Canada in September 2000, the Special Rapporteur addressed, *inter alia*, the issue of domestic workers.¹⁸ She reported that their status in Canada was regulated by the "Live-in Caregiver Programme", which allowed live-in caregivers to apply for permanent residence following two years of work accumulated within three years following entry into the country. Canada also admitted temporary workers, mostly within the agricultural sector under bilateral agreements.¹⁹

32. The Special Rapporteur also participated in the regional seminars of experts in preparation for the World Conference against Racism, in Addis Ababa, Ethiopia, and in Santiago de Chile, Chile, in 2000, where she called on Governments to implement policies to integrate migrant women and to protect them from abuse and discrimination.²⁰

F. Special Rapporteur on violence against women, its causes and consequences

33. As stated above, the report by the Special Rapporteur on violence against women, its causes and consequences, submitted to the Commission on Human Rights, at its fifty-sixth session,²¹ focused on trafficking in women, women's migration and violence

against women, and raised numerous concerns related to violence against women migrant workers.

34. The report indicated that as a result of lack of independent legal protections afforded to both documented and undocumented immigrant women, which was exacerbated by immigrant women's social and cultural marginalization, immigrant women were highly vulnerable to violence. Noting that women overwhelmingly performed the highest percentage of unskilled paid labour, the report pointed to the fact that those jobs were usually the lowest paid jobs, with few or no occupational protections, labour rights or job security. Lack of, or inadequate, laws and labour standards and the illegal or semi-legal nature of the work formed the basis for forced, servile and exploitative working conditions, which varied from humiliating treatment, low payment and extreme working hours, to bonded labour or forced labour.

35. The Special Rapporteur noted that, although undocumented migrant women were often the victims of crime, they were sometimes perceived and treated as criminals in countries of destination. Such perceptions were caused by the intersection of racism and xenophobia, which was increasingly found implicit in the official policies of some States. Stereotyping by the media served to marginalize and increase the vulnerability of undocumented immigrants. Increasingly, countries placed restrictions on legal, long-term immigration, reducing opportunities for legal migration, and thereby encouraged migrants to turn to third parties for assistance in migrating, including an increasing number of underground networks of immigrant smugglers. Such policies strongly affected the living and working conditions of migrant workers, increasing their vulnerability to violence, abuse and control by criminal networks.

36. The Special Rapporteur noted that increasingly, often in reaction to trafficking, policies were introduced in countries of origin which restricted the freedom of movement of women. In some countries undocumented immigrants were required to cover the expenses associated with their deportation and were held in detention facilities or prisons, where they were sometimes subjected to custodial violence.

37. In December 2000, the Special Rapporteur sent, with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of migrants, an urgent appeal²² to the

Government of Bahrain regarding a documented Ethiopian migrant worker in Bahrain.

G. Subcommission on the Promotion and Protection of Human Rights

38. At its twenty-fifth session in 2000, the Working Group on Contemporary Forms of Slavery²³ of the Subcommission on the Promotion and Protection of Human Rights discussed the situation of migrant workers and child domestic workers, condemning practices of unequal treatment of migrant workers and deciding to continue to give special attention to the situation of migrant workers, in particular domestic workers. It noted the difficult situation in which migrant workers, especially women and children, were living and of their need to be provided with protection so that their human development and their participation in the life of their community were fully ensured. It urged States to take the necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, in particular migrant domestic workers. Resolution 2001/14, with similar objectives, was adopted by the Subcommission during its fifty-third session in 2001.

39. In its resolution 2000/19, adopted on the report of the Working Group, the Subcommission decided to continue to give special attention to the situation of migrant workers, in particular domestic workers, and urged Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work. It also urged States to adopt and enforce measures to protect child domestic workers from exploitation, while attempting ultimately to eliminate the phenomenon of child domestic labour. All States were urged to eliminate all discrimination against girls in education, skills development and training and cooperate in developing viable alternatives to child labour, in particular for young girls.

40. The Subcommission also adopted resolution 2000/2, on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and migrant workers, in which it drew attention to the fact that women, in particular, suffer doubly from manifestations of racism and from various forms of exploitation that flagrantly violate their most basic rights. The Subcommission requested, inter alia, that the Preparatory Committee for the World

Conference include a separate item on migrant workers in the agenda of the Conference. It also requested the World Conference to address ways and means of putting an end to the racist campaigns encouraging violence against migrant workers through the Internet, sections of the media and political activities.

H. Human rights treaty bodies

41. A number of treaty bodies established under international human rights conventions addressed migration, the enjoyment by migrant workers and their families of human rights, and the situation of women and children who were trafficked during the reporting period. The issue of violence against women migrant workers was, however, taken up predominantly by the Committee on the Elimination of Discrimination against Women.

42. The Committee on Economic, Social and Cultural Rights welcomed in its concluding observations on Italy²⁴ the adoption of the immigration bill of 1998, granting one-year residence/work permits to women who had been the victims of trafficking and who denounced their exploiters, and the criminalization of trafficking of migrants under the Penal Code.

43. When examining the reports of Spain during its twenty-first session,²⁵ the Committee on the Elimination of Discrimination against Women expressed concern at the situation of foreign women workers in domestic service and women who might be living clandestinely and lack adequate protection from violence and abuse. When considering the reports of Germany, during its twenty-second session,²⁶ the Committee expressed concern about the often precarious social and economic situation of foreign women living in the country and the vulnerability of foreign women owing to discrimination on multiple grounds such as sex, ethnicity, and race. The Committee recommended that Germany take steps to increase foreign women's awareness of the availability of legal remedies and means of social protection. At its twenty-third session in 2000, the Committee called on the Government of Austria²⁷ to facilitate the attainment of work permits by migrant women on an equal basis with migrant men and to establish the conditions needed for their integration into the economic and social life of the country. It urged the Government to ensure ongoing education for law enforcement officials and the judiciary, including their sensitization to

violence against women in migrant communities, and to extend such programmes to health professionals. At its twenty-fourth session in 2001, the Committee expressed concern at the continuing discrimination against immigrant and minority women living in Finland, who suffered from double discrimination based on sex and ethnic background.²⁸

44. In its contribution²⁹ to the preparatory process and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Committee on the Elimination of Discrimination against Women highlighted the multiple discrimination that women migrant workers may face and their need for protection against gender-based violence.

V. Other activities taken by entities within the United Nations system

45. A number of entities within the United Nations system³⁰ provided information on ongoing activities with respect to violence against women and women's migration. Several of them focus on the specific issue of violence against women migrant workers.

A. Economic Commission for Africa

46. ECA provides technical assistance and advisory services to African member States on a wide range of women's issues, including violence against women generally. During the reporting period, workshops and seminars addressing issues such as women's access to legal services, information on domestic violence and other forms of abuse were organized.

B. United Nations Development Fund for Women

47. During 2000, UNIFEM developed a regional pilot programme to strengthen the response of sending and receiving countries to the needs of women migrant workers in Asia. The programme focused on policies based on gender equality and human rights; legislation to govern the situation of women migrant workers; promotion of women's rights through improved services, skills training and sensitization of key sectors in both source and destination countries; promoting dialogue among stakeholders in both source and

destination countries; and empowering women migrant workers to exercise their rights to organize. The programme facilitated exchange of best practices in legislation and programmes to protect the rights of women migrant workers, as well as pilot approaches such as awareness-raising of stakeholders in receiving countries and reintegration of migrants into the sending countries.

48. In July 2001, UNIFEM and the Argentine Institute against Discrimination organized a seminar in Buenos Aires on women immigrants. It addressed the consequences of xenophobia for such women and developed strategies to eradicate prejudices.

C. International Labour Organization

49. The ILO is currently conducting studies on the situation of women migrant workers which seek to identify good practices and policies of Governments, the private sector and civil society in addressing the needs of women migrant workers. The results of these studies will form the background for the development of a resource kit on female migrant workers, which will seek to enhance the efforts of governmental agencies, workers' and employers' organizations and non-governmental organizations, in both countries of origin and destination, to improve the situation of women migrant workers and protect them against discrimination, exploitation and abuse, including trafficking.

50. Several studies, including those with respect to Bahrain and Lebanon, focus on women migrants who are employed as domestic workers, assess their working conditions, and determine factors, including recruitment and employment practices, that contribute to their vulnerability.

51. The ILO is also conducting research on exploitative and abusive conditions of migrant workers in Central America and the Andean region, with a special focus on gender-based forms of discrimination and exploitation. The research aims to assist national authorities to develop systems for monitoring the working conditions and treatment of migrant workers and consequently lead to appropriate governmental action.

D. International Research and Training Institute for the Advancement of Women

52. In August 1999 a joint expert group meeting was held by INSTRAW and IOM in Geneva to discuss findings of case studies on labour migration by women and to develop recommendations for Governments of countries of origin and of destination, international and intergovernmental organizations, non-governmental organizations and research institutes. The recommendations called upon Governments to sign and ratify relevant international instruments on migrant workers; develop bilateral and multilateral agreements with a view to raising awareness and ensuring the protection of the human rights of women migrant workers; and to provide training to immigration, police and consular officers on the proper handling of cases of violence against women migrant workers. Governments of countries of origin were called upon to develop comprehensive migration policies to facilitate safe and protected migratory movements of women and protect women's human rights; to organize pre-departure courses for migrants and licensed recruitment agencies; to monitor practices of recruitment agents; and to develop mechanisms to assist women through diplomatic and consular posts in receiving countries. Governments of receiving countries were encouraged to protect the rights of women migrant workers and ensure that cases of abuse are properly prosecuted. Recommendations to international and intergovernmental organizations addressed, *inter alia*, the issues of pre-departure programmes and the use of modern information technology to provide information to women migrant workers; the organization of international training seminars and workshops on international labour standards; and the adoption of comparable data-collection systems, including sex-disaggregated data. Non-governmental organizations were encouraged to develop networks between receiving countries and countries of origin and to support migrant community self-help organizations.

E. United Nations Office for Drug Control and Crime Prevention/Centre for International Crime Prevention

53. The United Nations Convention against Transnational Organized Crime and two of its

supplementing Protocols — namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air — are of particular importance to the rights of women migrant workers. The Convention and the Protocols were adopted by the General Assembly on 15 November 2000 in resolution 55/25 and opened for signature from 12 to 15 December 2000 in Palermo. None of the three instruments has entered into force.

F. United Nations Population Fund

54. UNFPA's concerns with regard to violence against women migrant workers continue to be addressed within its work on gender-based violence and reproductive health. UNFPA provides support to reproductive health and family planning services and HIV/AIDS prevention for urban migrants, slum dwellers, adolescents at risk and sex workers. UNFPA supports research for policy makers on issues such as factors causing migration, international migration, protection of migrants' rights and sex-disaggregated data collection and analysis.

VI. Other intergovernmental bodies

International Organization for Migration

55. IOM's activities included prevention strategies targeted at potential women migrant workers and assistance in the form of protection, return and reintegration to those who have suffered from abuse, as well as advocacy, outreach and capacity-building initiatives.

56. Within the framework of the Summit of the Americas Plan of Action, IOM organized an international workshop on best practices concerning migrant workers and their families (Santiago de Chile, 19-20 June 2000), which addressed best practices in various countries of the western hemisphere for protecting the rights of migrant workers and their families. A number of regional migration processes involve annual discussions of migration issues, as do several of the trade agreements in the western hemisphere. These include the Regional Conference on

Migration (better known as the "Puebla Process", after the Mexican city where the first meeting was held).

VII. Conclusion

57. Violence against women migrant workers remains an issue of concern of a number of Member States, United Nations entities and the International Organization for Migration, as noted in previous reports on this issue to the Assembly and other intergovernmental forums. However, data on the numbers of women migrant workers continue to be difficult to obtain, while there is lack of clarity about the scale of abuse and discrimination against such women.

58. Measures to address violence against women migrant workers include education interventions and approaches targeted at potential women migrant workers in their countries of origin, including the use of modern communication and information technologies. The practices of recruitment agencies have been monitored and regulated, and some countries have also sought to identify potential employers in receiving countries which may have engaged in abusive and discriminatory behaviour in the past. Training and sensitization workshops for law enforcement and immigration personnel and others who come in contact with migrants or victims of violence have also been introduced in a number of countries. They have also been provided to consular personnel. Some consulates in countries of destination have established support systems for migrants, including women migrants who have experienced violence. Nonetheless, information on these measures, and, in particular, on their impact remains limited.

59. Comprehensive information is required on bilateral agreements between the countries of origin and of destination of women migrant workers and the impact of such agreements on their situation. Information is also needed on labour and immigration legislation as well as on the impact of such provisions, especially in respect of the enjoyment by women migrant workers of the full range of human rights. It is noteworthy, for example, that measures designed to protect women who might migrate to work and who find themselves in difficult employment situations which limit their access to legal protection may not only discriminate with respect to their freedom of movement but may also increase their vulnerability to

traffickers. Thus, it is important to explore the link between immigration and trafficking and the way in which laws are relevant to it. The Special Rapporteur on the human rights of migrants should continue to pay particular attention to the situation of women migrant workers, and the Special Rapporteur on the rights of non-citizens should ensure that the rights of women migrant workers are specifically addressed in his work.

Notes

¹ A/54/342.

² See also resolution 55/88 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and resolution 55/92 on the protection of migrants.

³ Commission on Human Rights resolution 2000/54 on violence against women migrant workers, 2001/52 on the human rights of migrants, 2001/53 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2001/56 on the protection of migrants and their families.

⁴ Resolution 1999/44.

⁵ Decision 2000/103. The Special Rapporteur's preliminary report (E/CN.4/Sub.2/2001/20 and Add.1) examining the rights of non-citizens, including migrant workers, under the International Convention on the Elimination of All Forms of Racial Discrimination and under international standards, was presented at the fifty-third session in 2001. The Subcommission decided to request the Secretary-General to transmit a questionnaire of the Special Rapporteur to Governments, intergovernmental organizations, human rights treaty bodies and non-governmental organizations to solicit information that would contribute to his next progress report.

⁶ Human Rights Watch, *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States* (New York, 2001). No. G1302.

⁷ E/CN.4/2000/68.

⁸ See General Assembly resolutions 55/25 and 55/67.

⁹ Algeria, Antigua and Barbuda, Costa Rica, El Salvador, Finland, Germany, Georgia, Greece, Kuwait, Malaysia, Mexico, Peru, Philippines, Russian Federation, Qatar.

¹⁰ E/CN.4/2000/76.

¹¹ Article 87 (1).

- ¹² Azerbaijan, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Ghana, Guinea, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Uganda, Uruguay.
- ¹³ Resolution 55/2.
- ¹⁴ A/S-23/10/Rev.1, paras. 92 (b), 97 (c), 98 (b).
- ¹⁵ E/2001/27.
- ¹⁶ E/CN.4/2001/83.
- ¹⁷ Ibid., paras. 79-80.
- ¹⁸ E/CN.4/2001/83/Add.1, para. 40.
- ¹⁹ Ibid., para. 69.
- ²⁰ E/CN.4/2001/83, para. 96.
- ²¹ E/CN.4/2000/68.
- ²² E/CN.4/2001/73/Add.1, paras. 3-4.
- ²³ See E/CN.4/Sub.2/2000/23.
- ²⁴ *Report of the Committee on Economic, Social and Cultural Rights, Twenty-second Session, Official Records, 2001, Economic and Social Council, Supplement No. 2 (E/2001/22), para. 109.*
- ²⁵ *Report of the Committee on the Elimination of Discrimination against Women, Twenty-first Session, Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38 (A/54/38/Rev.1), part II, paras. 274, 275.*
- ²⁶ Ibid., *Twenty-second Session, Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38), part I, paras. 317, 318.*
- ²⁷ Ibid., *Twenty-third Session, Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38), part II, para. 230.*
- ²⁸ Ibid., *Twenty-fourth Session (A/55/38), part I, para. 305.*
- ²⁹ Ibid., paras. 373-385.
- ³⁰ ECA, ESCAP, ESCWA, ILO, INSTRAW, ODCCP, UNESCO, UNFPA, UNIFEM. Further information was also provided by ODCCP, the United Nations Interregional Crime and Justice Research Institute, WFP to the report (E/CN.4/2000/76) of the Secretary-General on violence against women migrant workers, submitted to the Commission on Human Rights in 2000.



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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council

Report of the Secretary-General**

I. Introduction

1. The present progress report has been prepared pursuant to paragraph 4 of General Assembly resolution 55/156 of 12 December 2000, in which the Assembly took note of subparagraphs (a) to (h) of paragraph 33 of the 2000 report of the Secretary-General (A/55/340), commended him for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorsed his efforts to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*.

2. In paragraph 33 of his 2000 report, the Secretary-General had invited the General Assembly to:

(a) Note that volumes III (Articles 55-72) and IV (Articles 73-91) of Supplement No. 5 to the *Repertory* had been completed in 2000 and would be published in 2001;

(b) Note that volume I of Supplement No. 6 of the *Repertory* had been completed and would be published in 2001, work had progressed considerably on volumes II, IV and V of Supplement No. 6 and would be completed by the end of the biennium 2000-2001, and work on volume III was in progress;

(c) Note that work had started on volumes II and VI of Supplement No. 7 and that work on volume IV would start in 2001;

(d) Note that *Repertory*-related tasks were included as distinct activities within the relevant sections of the programme budget of the Organization;

(e) Note that the tenth Supplement of the *Repertoire of the Practice of the Security Council* had been published in English and was being translated into French;

(f) Note that all published volumes of the *Repertoire* were available on the Internet;

(g) Note that a Trust Fund for the Updating of the *Repertoire* had been established and that additional contributions were needed to finance a project aimed at eliminating the current backlog through the simultaneous preparation of two Supplements;

* A/56/150.

** The present report was submitted after the established deadline to reflect the latest information concerning the preparation and publication of the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*.



(h) Note the efforts of the Secretary-General to reduce the backlog of the Supplements to the *Repertory* and to the *Repertoire*.

II. *Repertory of Practice of United Nations Organs*

A. Steps undertaken by the Secretariat to expedite the preparation of Supplements to the *Repertory of Practice of United Nations Organs*

1. Interdepartmental Committee on Charter Repertory

3. Since the issuance of the 2000 report, the Interdepartmental Committee on Charter Repertory¹ held three meetings, inter alia, to review the status of the publication of volumes III and IV of Supplement No. 5 (1970-1978) as well as the preparation of volumes I to V of Supplement No. 6 (1979-1984); to identify future priority volumes to be completed in the 2002-2003 biennium; to review the implementation of the work programme for the 2000-2001 biennium; and to continue the review of the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*.

(a) Review Committee of the Interdepartmental Committee on Charter Repertory

4. During the period under review, the Review Committee of the Interdepartmental Committee on Charter Repertory, consisting of the Office of Legal Affairs, the Department of Political Affairs and the respective coordinating and author departments, was convened to review volume I of Supplement No. 6. The Review Committee approved the volume for publication. Such approval was subsequently communicated to the Interdepartmental Committee. The Review Committee was also convened to commence the review of studies for volume IV of Supplement No. 6.

(b) Updating the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*

5. In 2001, the Interdepartmental Committee on Charter Repertory continued its review of the Manual for the Preparation of the *Repertory of Practice of*

United Nations Organs, including the Draft Guidelines on the Preparation and Submission of Repertory Draft Studies, as described in the 1999 report (A/54/363, paras. 7 and 8) and the 2000 report (A/55/340, para. 6). The Committee had before it a new draft revised version of the Manual, prepared by the Office of Legal Affairs in the light of the Committee's experience with the *Repertory* volumes completed during 1999-2000. The Manual is intended to assist with the preparation of draft studies by, inter alia, clarifying the recommendation contained in the 1978 report of the Committee for Programme and Coordination that Repertory studies should include only those decisions, mainly of principal organs, bearing "directly on the interpretation of any provision of the Charter."² Part One of the Manual provides a brief background to the publication of the *Repertory* with extracts from the General Assembly resolutions on the *Repertory* and a list of publications of the *Repertory* and its Supplements annexed thereto. Part Two contains the revised guidelines for the preparation of the *Repertory*. Part Three integrates the Draft Guidelines and was revised to include guidelines for the submission and review of studies, as well as the procedure for publication following the approval of studies, taking into account the experience with the preparation and submission of studies since 1999. The Manual was approved by the Committee and will be issued as a document of the Committee in the near future. The Committee will continue to keep the Manual under review, particularly with a view to updating the editorial directives.

2. Inter-office dialogue on reviewing the working methods for the preparation of the *Repertory*

6. At the initiative of the Office of Legal Affairs, in its capacity as overall coordinator for the preparation of the *Repertory*, the Secretariat units participating in the preparation of the Repertory commenced in 2001 a dialogue on reviewing the efficacy of current working methods, including considering different options for improving productivity and for increasing the Repertory Supplement production rate. It is anticipated that this review will continue in 2002, in the context of the Interdepartmental Committee, with the eventual formulation of specific proposals on ways of enhancing the work, including, for example, on ways of increasing the Supplement production rate to at most three years (i.e. two volumes per year) so as to reduce the backlog within a shorter time frame.

3. Training seminars on preparing the *Repertory*, conducted by the Office of Legal Affairs

7. The Office of Legal Affairs continues to offer to participating Secretariat units the possibility of attending training seminars on the preparation of the *Repertory*, as required. The seminars have been held annually since 1998 and are open to all participating Secretariat units, with a view to adopting a common approach to researching and writing the *Repertory*.

4. Recourse to interns

8. Participating units of the Secretariat continue, as in previous years, to resort to interns in the research and compilation of data for the preparation of draft *Repertory* studies. The Interdepartmental Committee remains of the view that the overall contribution of interns to the preparation of *Repertory* studies is constrained by the necessary training and oversight responsibilities required of supervisors. The same considerations outlined in the 1999 and 2000 reports continued to apply in 2001 (see A/54/363, para. 10, and A/55/340, para. 8, respectively).

9. However, it should be noted that, since the last report, changes to the Secretariat internship programme have been implemented. A new administrative instruction was issued to allow the normal duration of internships to be extended to four months and as long as six months in some cases. While this change is expected to benefit *Repertory*-related work, questions still remain as to the advisability of reliance on interns for such work for the reasons mentioned above.

B. Status of the *Repertory of Practice of United Nations Organs*

1. Preparation of volumes referred to in paragraph 59 (b) of the 1997 report of the Secretary-General

10. In the 2000 report of the Secretary-General (A/55/340, para. 13), it was reported that work on volumes III and IV of Supplement No. 5 had been completed and that publication was expected in early 2001.

11. Due to the very heavy workload of the publications services, volume III of Supplement No. 5 is currently in the final stages of production and will be published by the end of 2001. Volume IV of

Supplement No. 5 will be published by June 2002. The index to Supplement No. 5 will be produced after all volumes of the Supplement are published, and will be completed in 2002.

2. Preparation of volumes referred to in paragraph 33 (c) of the 1999 report of the Secretary-General

12. In paragraph 33 (c) of the 1999 report, the Secretary-General pointed out that work on volumes I (Articles 1-8), II (Articles 9-22) and V (Articles 73-91) of Supplement No. 6 would be completed in the 2000-2001 biennium, while work on volumes III (Articles 23-54, 106, 107) and IV (Articles 55-72) would begin during 2000-2001.

(a) Supplement No. 6, volume I

13. In his 2000 report, the Secretary-General stated (A/55/340, para. 15) that all studies for volume I of Supplement No. 6, had been completed and submitted for review and that it was anticipated that the volume would be published in 2001.

14. The Review Committee was convened to review the volume and offered suggestions for revision. Following their implementation, the Committee approved the volume as a whole. The Office of Legal Affairs, as Coordinating Department for the volume, has submitted the volume for processing and publication.

(b) Supplement No. 6, volume II

15. The Secretary-General in his 2000 report noted (*ibid.*) that it was anticipated that work on volume II of Supplement No. 6 would be finalized in the latter part of 2001.

16. Most of the contributions to the volume have been received by the Coordinating Department. Work continues on volume II. However, due to the heavy workload of the Department, the volume is expected to be completed in 2002.

(c) Supplement No. 6, volume III

17. The Secretary-General indicated in his 2000 report (*ibid.*, paras. 17 and 33 (b)) that while it was not possible to make any definite projections on the completion of volume III of Supplement No. 6, work on the volume was in progress.

18. Work continues on volume III. It is expected to be completed by 2003.

(d) Supplement No. 6, volume IV

19. The Secretary-General stated in his 2000 report (*ibid.*, para. 17) that it was anticipated that volume IV of Supplement No. 6 would be completed by the end of 2001.

20. Most of the studies for the volume have been completed (including approval by the Review Committee). A first segment, encompassing roughly half of the volume, has been submitted for processing. It is anticipated that the final segments will be submitted for processing by the end of 2001.

(e) Supplement No. 6, volume V

21. The Secretary-General noted in his 2000 report (*ibid.*, para. 18) that most of the substantial work for volume V of Supplement No. 6 had been completed and that the volume would be finalized by mid-2001.

22. Work on volume V continues. It is expected to be completed by the end of 2001.

3. Identification of the next series of priority volumes of the *Repertory*

23. Since work is approaching completion on the priority volumes mentioned in section 2 above and work on some future priority volumes which had begun in 2000 had continued in 2001, the Interdepartmental Committee, in accordance with its practice, decided to identify the volumes enumerated below as priority volumes scheduled for completion during the 2002-2003 biennium cycle.

24. In allocating the next set of priority volumes, the Interdepartmental Committee took into account the question of reviewing the working methods currently employed (see section A.2 above) with a view to achieving productivity gains so as to increase its production cycle.

25. The identification of priority volumes is intended merely to assist the Interdepartmental Committee in organizing its work programme for the 2002-2003 biennium. It in no way serves to limit the possibility of participating Secretariat units continuing with work on future priority volumes. Indeed, as was the case in 1999 (see A/54/363, para. 19) and 2000, those Secretariat units which have already completed their

contributions to current priority volumes may start work on future priority volumes (see section 4 below).

(a) Supplement No. 7, volume I

26. It is anticipated that the Office of Legal Affairs and the Office of Human Resources Management will commence work on the studies for volume I of Supplement No. 7 in 2002. With regard to the studies to be prepared by the Department of Political Affairs (Articles 1(2), 2(4), 3-6), work will start on those studies in 2002 if the resources requested for that purpose in the proposed programme budget for 2002-2003 are approved.

(b) Supplement No. 7, volume IV

27. It was reported in 2000 that once the Department of Economic and Social Affairs had completed its portion of volume IV of Supplement No. 6, it would begin drafting its contribution to volume IV of Supplement No. 7.

28. The Department of Economic and Social Affairs will complete its contribution to the volume in 2001. The Department of General Assembly Affairs and Conference Services and the Office of the United Nations High Commissioner for Human Rights in Geneva have commenced drafting their contribution to the volume in 2001. It is anticipated that the volume will be submitted for processing and publication by the end of 2003.

(c) Supplement No. 7, volume VI

29. It was reported in 2000 (A/55/340, para. 19) that the Office of Legal Affairs was in the process of completing its contribution to the volume. It is anticipated that all studies will be submitted for review in 2002, with a view to the completion of the volume by the end of that year.

4. Work undertaken on future priority volumes

30. In line with the general approach adopted by the Interdepartmental Committee and as noted by the Secretary-General in his 1999 and 2000 reports (see para. 25 above), several Secretariat units have, on completion of their contribution to current priority volumes, commenced work on future priority volumes. The Interdepartmental Committee has again in 2001 emphasized the importance of such continued work to the sustainability of the overall project and as the key

to reaching the Supplement production cycles necessary for the reduction in the backlog in the *Repertory* within a reasonable time period.

Supplements Nos. 8 and 9, volume IV

31. In the 2000 report (A/55/340, para. 19) it was indicated that the Department of Economic and Social Affairs would advance its contribution to volume IV of Supplements No. 8 (1 January 1989-31 December 1994) and No. 9 (1 January 1995-31 December 1999) by the end of the biennium 2002-2003, provided that adequate funds were made available. Work on Supplement No. 8, volume IV, by the respective author departments will commence in 2002 with a view to its completion in 2004. The Department of Economic and Social Affairs will commence work on volume IV of Supplement No. 9 in 2003.

5. Translation of Supplement No. 6, volume VI, into French and Spanish

32. In his 2000 report, the Secretary-General noted that the translation of volume VI of Supplement No. 6 into the other two languages in which the *Repertory* is published (French and Spanish) had commenced in 2000. He also indicated that it was expected that the French version of volume VI would be published at the end of 2000; that the Spanish version of volume VI would be produced before the end of 2000; and that volumes III and IV of Supplement No. 5 would be translated into French and Spanish in 2001.

33. With respect to volume VI of Supplement No. 6, both French and Spanish versions have been issued. Regarding volumes III and IV of Supplement No. 5, the volumes will be issued in French and Spanish at the end of 2001 and June 2002, respectively.

6. Placement of *Repertory* volumes on the Internet

34. In 2000, it was reported (A/55/340, para. 21) that a pilot project had been initiated with a view to placing *Repertory* volumes on the Internet. Such activity continued in 2001 as collaboration between the Office of Legal Affairs and the Department of Public Information, with some volumes of the *Repertory* being scanned by the Library. It is anticipated that a web site for the *Repertory*, containing electronic versions of *Repertory* Supplements, where available, will be established during the 2002-2003 biennium.

C. Assessment of action required

35. The Interdepartmental Committee on Charter *Repertory* again noted in 2001 that adequate budgetary resources should continue to be provided on a regular basis for *Repertory*-related tasks, with a view to eliminating the backlog and preventing future ones. The Interdepartmental Committee is continuing the inter-office dialogue on reviewing the working methods for the preparation of the *Repertory*. It also considers that, in the short term, a production cycle of one to two *Repertory* volumes per year (eventually to be increased to more than two volumes per year) should be required to address more expeditiously the backlog in production of the *Repertory*.

III. *Repertoire of the Practice of the Security Council*

A. Status of the *Repertoire of the Practice of the Security Council*

1. Translation of the tenth Supplement

36. Due to the heavy workload in parliamentary documentation, the translation into French of the tenth Supplement to the *Repertoire of the Practice of the Security Council*, covering the period 1985-1988, will be completed by March 2002.

37. Pursuant to section III, paragraph 15, of General Assembly resolution 55/222 of 23 December 2000, the tenth Supplement is being translated into Arabic, Chinese, Russian and Spanish.

2. Preparation of the eleventh Supplement

38. Further progress has been made in the preparation of the eleventh Supplement to the *Repertoire* (1989-1992), which will cover a period marked by the end of the cold war and unprecedented activity on the part of the Security Council. For instance, 34 resolutions were adopted under Chapter VII of the Charter during those four years, compared to 20 during the first 44 years of the life of the United Nations. Twelve new peacekeeping operations were established, compared to 15 from 1945 to 1989. Changes also occurred in the working methods of the Council. While many decisions on which consensus was reached in informal consultations were adopted by the Council without

public debate, the volume of official communications issued during the period increased considerably.

39. The new practice of the Security Council will be reflected in the eleventh Supplement, which will contain greatly expanded chapters, such as chapter V on subsidiary organs and chapter XI on the provisions of Chapter VII of the Charter. Despite its novel character, the eleventh Supplement is scheduled for completion by the end of 2002 or the beginning of 2003.

B. Elimination of the backlog in the publication of Supplements to the *Repertoire of the Practice of the Security Council*

1. Need to strengthen the Security Council Practices and Charter Research Branch

40. Even though its productivity has increased as a result of restructuring and training, the Security Council Practices and Charter Research Branch in the Security Council Affairs Division of the Department of Political Affairs **needs further strengthening** to be able to cope with its heavier workload and to address the existing backlog in the preparation of the *Repertoire*.

2. The project

41. To eliminate the backlog in the *Repertoire*, the Branch is striving to set up an additional temporary team, which will be tasked with preparing two three-year Supplements for the periods 1993-1995 and 1996-1998. This would allow the core staff of the Branch to start working on the most recent period (1999-2001) in 2002, once the eleventh Supplement (1989-1992) has been completed. The new temporary team would comprise legal or political officers and consultants funded from the budget and the Trust Fund for the Updating of the *Repertoire*, as well as associate experts and interns.

3. Contributions to the Trust Fund for the Updating of the *Repertoire*

42. Six Member States — Belarus, Finland, Germany, New Zealand, Portugal and the United Kingdom of Great Britain and Northern Ireland — and one Permanent Observer, Switzerland, have contributed to

the Trust Fund for the Updating of the *Repertoire* in the total amount of US\$ 364,181. Their support is greatly appreciated. It shows the importance attached to the elimination of the backlog in the production of the *Repertoire*, a project which will promote transparency and better awareness of the evolving working methods and practice of the Security Council. Thanks to such voluntary contributions, the Secretariat was able to launch this project notwithstanding current budgetary constraints. However, additional contributions are clearly needed to recruit the staff required to prepare the two three-year Supplements mentioned above. A minimum of 8 Professional staff and 2 support staff is necessary if the preparation of the two Supplements is to be completed in a reasonable period of time. It is therefore hoped that other Member States will join in supporting the project over the time required for its completion.

4. Associate experts and interns

43. One Member State, France, has provided the Security Council Practices and Charter Research Branch with the services of an associate expert as of March 2001. This young expert, who has already acquired a good knowledge of the practice of the Security Council, will join the temporary team whose recruitment will be financed by the Trust Fund. Other Member States may wish to consider this option, which offers junior Professional officers the opportunity to gain unique expertise in the practice and working methods of the Security Council. The Branch will also continue to use the services of interns, particularly law students and young academics. It welcomes in this regard the issuance of the administrative instruction referred to in paragraph 9 of the present report, which has introduced greater flexibility in the duration of the internships.

5. Establishment of an additional temporary team

44. Drawing on the resources currently available in the Trust Fund, the Branch is in the process of hiring two officers with the academic qualifications, experience and skills required to carry out the project. One experienced legal officer at the P-4 level has already been selected. This officer, who will join the Branch in the fall, will work with the associate expert already provided to the Branch and the two temporary staff to be funded from the regular budget. It is expected that the nucleus of the temporary team will be

fully operational at the beginning of 2002. If the team can be strengthened in 2002 with additional officers, a plan for the total elimination of the backlog will be submitted in the report to the General Assembly at its fifty-seventh session.

IV. Conclusions

45. In the period under review, the Secretariat continued the implementation of General Assembly resolutions 52/161 of 15 December 1997, 53/106 of 8 December 1998, 54/106 of 9 December 1999 and 55/156 of 12 December 2000 regarding the preparation of Supplements to the *Repertory of Practice of United Nations Organs*.

46. With respect to the *Repertoire of the Practice of the Security Council*, progress has been made in the preparation of the eleventh Supplement (1989-1992), which should be completed by the end of 2002 or in the first part of 2003. Contributions to the Trust Fund for the Updating of the *Repertoire* have been received from six Member States and one Permanent Observer, allowing for the recruitment of two additional officers. An associate expert has also been provided by one Member State. Further support is needed to eliminate the backlog in a reasonable period of time.

47. In the light of the above, the General Assembly may wish to:

(a) Note that volume III of Supplement No. 5 will be published in the three language versions by the end of 2001 and volume IV of Supplement No. 5 will be published in the three language versions by June 2002;

(b) Note that work on the index to Supplement No. 5 will commence after all volumes of the Supplement are published and will be completed in 2002;

(c) Note that volume I of Supplement No. 6 was completed in 2001;

(d) Note that volume II of Supplement No. 6 will be completed in 2002;

(e) Note that volume III of Supplement No. 6 will be completed in 2003;

(f) Note that volume IV of Supplement No. 6 will be completed by the end of 2001;

(g) Note that volume V of Supplement No. 6 is expected to be completed by the end of 2001;

(h) Note that volume IV of Supplement No. 7 will be completed by the end of 2003;

(i) Note that volume VI of Supplement No. 7 will be completed by the end of 2002;

(j) Note that offices may continue with work on future priority volumes with a view to reaching the Supplement production cycles necessary for the reduction in the backlog in the *Repertory* within a reasonable time period;

(k) Note that the Interdepartmental Committee on Charter Repertory considered and approved the revised Manual for the Preparation of the *Repertory of Practice of United Nations Organs* and will continue to keep the Manual under review, particularly with a view to updating the editorial directives;

(l) Note that an inter-office dialogue on reviewing the working methods for the preparation of the *Repertory* has been initiated and will continue in 2002;

(m) Note that a web site for the *Repertory of Practice* will be established during the 2002-2003 biennium;

(n) Note that the *Repertoire of the Practice of the Security Council* is available on the Internet on the web site of the Department of Political Affairs;

(o) Note that the tenth Supplement to the *Repertoire of the Practice of the Security Council* is being translated into Arabic, Chinese, French, Russian and Spanish and that the French translation is scheduled for completion by March 2002;

(p) Note that work is continuing on the eleventh Supplement to the *Repertoire of the Practice of the Security Council*;

(q) Note with appreciation the contributions made by Belarus, Finland, Germany, New Zealand, Portugal, Switzerland and the United Kingdom to the Trust Fund for the Updating of the *Repertoire of the Practice of the Security Council* and note that additional contributions are needed to strengthen the temporary team which is being established to eliminate the existing backlog in the *Repertoire*; and also note with appreciation the contribution by France of an

associate expert and call upon other Member States to consider providing such support;

(r) Note the efforts of the Secretary-General to reduce the backlog of the Supplements to the *Repertory* and to the *Repertoire*.

Notes

¹ The Committee is composed of representatives of all Secretariat units involved in the preparation of Supplements to the *Repertory* (see annex I) and is responsible for directing and overseeing the preparation and publication of those Supplements.

² *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 38 (A/33/38), para. 57.*

Annex I

Secretariat units bearing primary responsibility for the preparations of studies on individual provisions of the Charter of the United Nations

Office of Legal Affairs

Repertory *Volume I*: Articles 1 (1), (3) and (4), 2 (1) to (3) and (5) to (7) and 7

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^a The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onwards, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Secretariat units responsible for the coordination of the preparation of *Repertory* volumes

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